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LAWS OF DELAWARE.

CONSTITUTIONAL AMENDMENTS.

CHAPTER I.

AMENDMENT TO THE CONSTITUTION PROPOSED.

AN ACT to propose an Amendment to Section 17 of Article 2 of the Constitution of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each house deeming it necessary and concurring herein, and by and with the approbation of the Governor):

SECTION I. That the following amendment be and the same is hereby proposed to the Seventeenth Section of Article II of the Constitution of this State, as altered by an amendment proposed in and by an act passed April 3d, 1873, and ratified by an act passed January 28th, 1875, viz:

Strike out of said Section 17, as altered and amended as aforesaid, the words following: "The Legislature shall have power to enact a general incorporation act to provide incorporation for religious, charitable, literary and manufacturing purposes, and for the preservation of animal and vegetable food, building and loan associations, and for draining low lands; and no attempt shall be made in such act or otherwise to limit or qualify the power of revocation reserved to the Legislature in this section."

And insert in lieu thereof the words following:

"The General Assembly shall also have power, by con-
current vote of two-thirds of each branch thereof, to enact
general laws providing for the creation of municipal or

Amendment
to 17th Sec-
tion of Arti-
cle 2 of the
Constitution
proposed.

Chapter 352,
Volume 14.
Chapter 1,
Volume 15.

Provision
for General
Incorporation
Act.

CONSTITUTIONAL AMENDMENTS.

Exception. private corporations, excepting railroad and canal companies; *Provided* that the power of revocation in this section reserved shall apply to corporations created under general laws in the same manner and to the same extent as to those created by special acts of the General Assembly; *And provided, also*, that this amendment shall not affect any general incorporation acts heretofore enacted, nor any corporation created thereunder."

Secretary of State to publish the proposed amendment in two or more newspapers. SECTION 2. That the Secretary of State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment and this act, duly to publish the above proposed amendment and this act in two or more newspapers in this State, for the consideration of the people, at least three and not more than six months before the next general election of representatives in this State.

Passed at Dover, March 28, 1883.

CHAPTER 2.

AMENDMENTS TO THE CONSTITUTION PROPOSED.

AN ACT proposing Amendments to the Constitution for the purpose of Increasing the Number of Senators and Representatives in the General Assembly.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met; (two-thirds of each house deeming it necessary and concurring, and by and with the approbation of the Governor):

Second and Third Sections Article 2 Constitution amended. SECTION 1. That the following amendments be and the same are hereby proposed to the Second and Third Sections of the Second Article of the Constitution of this State:

First, Strike out the third clause of the said Second Section reading thus: "There shall be seven Representatives chosen in each county, until a greater number of Representatives shall by the General Assembly be judged necessary;

CONSTITUTIONAL AMENDMENTS.

and then, two-thirds of each branch of the Legislature concurring, they may by law make provision for increasing their number," and in lieu thereof substitute and adopt the following, viz: "The House of Representatives shall consist of twenty-five members, eleven of whom shall be chosen from New Castle County, seven from Kent County and seven from Sussex County. *Provided*, that, of the eleven Representatives from New Castle County, four shall be chosen by the citizens residing in the City of Wilmington, and seven by the citizens residing in the residue of said county. At each biennial session of the House of Representatives, the person who was Speaker of the House of Representatives at the time of its next preceding adjournment *sine die* shall preside, or, if absent or disqualified, the person who was Speaker *pro tempore* at the time of said adjournment, and give a casting vote if the Representatives be equally divided, until its Speaker and other officers shall be duly chosen and qualified."

Representatives.
Number increased.

Proviso.
Applicable to New Castle County.

Presiding officer.

Tie.

Second, Strike out the third clause of the said Third Section reading thus: "There shall be three Senators chosen in each county. When a greater number of Senators shall by the General Assembly be judged necessary, two-thirds of each branch concurring, they may by law make provision for increasing their number; but the number of Senators shall never be greater than one-half, nor less than one-third of the number of Representatives," and in lieu thereof substitute and adopt the following, viz: "There shall be four Senators chosen from each county. *Provided*, that, of the four Senators from New Castle County, two shall be chosen by the citizens residing in the City of Wilmington and two by the citizens residing in the residue of said county. At each biennial session of the Senate the person who was Speaker of the Senate at the time of its next preceding adjournment *sine die* shall preside, or, if absent or disqualified, the person who was Speaker *pro tempore* at the time of said adjournment, and give a casting vote if the Senators be equally divided, until its Speaker and other officers shall be duly chosen and qualified."

Senators.
Number increased.

Proviso.
Applicable to New Castle County.

Presiding officer.

Tie.

SECTION 2. That the offices of such as may be Senators and Representatives at the time of the ratification of the foregoing amendments to the Constitution, shall not be vacated by any of the provisions of said amendments, nor otherwise affected. The first election for Representatives under the Constitution as amended by said provisions, shall be held at the general election, on the Tuesday next after the first

Adoption of amendments.

Time of election.

CONSTITUTIONAL AMENDMENTS.

Terms of
office.

Proviso.
Applicable
to New Cas-
tle County.

Meeting of
General As-
sembly.

If approved
by Governor
Secretary of
State shall
publish in
two or more
newspapers.
When.

Monday of November, in the year of our Lord one thousand eight hundred and eighty-six. At the said general election there shall be three Senators elected for each of the counties of this State, by the citizens of said counties respectively, under the provisions of the Constitution so amended as aforesaid, one of whom shall be so elected to serve as a Senator for two years from the day of his election and no longer, and the others to serve as Senators for and during the full term of four years from the day of their election and no longer; *provided*, that of the three Senators for New Castle County so to be elected one shall be chosen by the citizens residing in the City of Wilmington to serve as a Senator for four years as aforesaid, and two by the citizens residing in the residue of said county, one thereof to serve as a Senator for two years as aforesaid, and the other for four years as aforesaid; and two Senators shall be elected from each county biennially thereafter. The first meeting of the General Assembly under the Constitution so amended, as aforesaid, shall be on the first Tuesday in January, in the year of our Lord one thousand eight hundred and eighty-seven, and the meetings of subsequent biennial sessions on the first Tuesday in January in every second year thereafter.

SECTION 3. That the Secretary of State of this State be and he is hereby directed, after the Governor shall have approved of the above proposed amendments, duly to publish the above proposed amendments, and this act, in two or more newspapers of this State, for the consideration of the people, at least three and not more than six months before the next general election of Senators and Representatives in this State.

Passed at Dover, March 30, 1883.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 3.

AMENDMENT TO THE CONSTITUTION PROPOSED.

AN ACT proposing Amendments to Article VI of the Constitution of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each house deeming it necessary and concurring herein, and by and with the approbation of the Governor):

SECTION 1. That the following amendments be and the same are hereby proposed to Article VI of the Constitution of this State, to wit :

Amend-
ments to Ar-
ticle 6 of the
Constitution

Strike out Section 2 of said article and insert the following in lieu thereof :

Section 2d
amended.

“There shall be five judges in the State, who shall be appointed for twelve years and may be re-appointed for any number of like terms. One of them shall be Chancellor and another Chief Justice, who may respectively be appointed from and reside in any part of the State. The other judges shall be Associate Judges, who may be taken from any part of the State, but after appointment each shall reside, during his term, in the county for which he is appointed. The persons in office at the time of the ratification hereof shall hold their several offices without re-appointment for the term of twelve years thereafter, and the Associate Judge then residing in any county shall be the resident judge of that county within the meaning of this amendment.

Number of
Judges.
Term.

“The General Assembly shall have power, with the concurrence of two-thirds of all the members of both houses, to establish a court of law and of record in the City of Wilmington, and to confer such jurisdiction, civil and criminal, as it may deem proper, except of felonious homicide and other capital felonies; and in case of the establishment of such court, a judge therefor shall be appointed by the Governor for the like term as the judges herein mentioned, to reside, during his term, in the said city, and with such compensation as may be provided by law; and the General Assembly may provide for the appointment of such officers as may be needful for such court, and for the regulation of process issuing therefrom, and for granting writs of error from the Court of Errors

Municipal
Court in
City of Wil-
mington.

Jurisdiction.

Judge ap-
pointed by
Governor.
Term.
Compensa-
tion.

Appoint-
ment of nec-
essary offi-
cers.

CONSTITUTIONAL AMENDMENTS.

Writs of
error.
Appeals.

and Appeals to determine matters of error in its judgments and proceedings or the privilege of appeal to the Superior Court in civil cases, or to the Court of General Sessions of the Peace and Jail Delivery in criminal matters, and generally may provide for all other things rendered necessary by the establishment of such court."

Section 3
amended.

Amend Section 3 of said article by striking out all the first paragraph to the word "business" inclusive, and inserting the following in lieu thereof, to wit :

Superior
Court.

"The Superior Court in each county shall consist of the Associate Judge, residing in that county. He shall hold court therein during such terms as may be provided by law, but not fewer than two terms during each year, and may make all rules for expediting business."

Section 4
amended.

Amend Section 4 of said article by striking out the first three periods to the word "court" inclusive, and inserting the following in lieu thereof, to wit :

Court of
General Ses-
sions of the
Peace and
Jail Deliv-
ery.

"The Court of General Sessions of the Peace and Jail Delivery shall be composed in each county in the same manner as in the Superior Court. Its terms shall be such as may be prescribed by law, but not fewer than two terms during each year."

Section 6
amended.

Amend Section 6 of said article by striking out the first three periods to the word "court" inclusive, and inserting the following in lieu thereof, to wit :

Court of
Oyer and
Terminer.

"The Court of Oyer and Terminer shall consist in each county of the resident judge thereof."

Also amend said Section by striking out the last period thereof and inserting the following in lieu thereof, to wit :

Judge
shall not
charge on
matters of
fact.

"No judge in any of the courts of this State shall charge juries with respect to matters of fact, but shall only declare the law. In all capital felonies, and in such other criminal cases as the General Assembly shall provide, the accused, after conviction and sentence, shall have the right to a writ of error, to be issued out of the Court of Errors and Appeals, as in other cases, but such writ shall be made returnable to the next session of said court to be held after such sentence and shall have priority in said court over all causes of a civil nature and shall be heard and determined at said session, unless the said court, for cause shown, shall deem that substantial justice requires its continuance. In case any judge

Writ of error
in certain
criminal
cases.

Priority.

CONSTITUTIONAL AMENDMENTS.

whose duty it shall be to hold the said Superior Court, Court of General Sessions of the Peace and Jail Delivery or Court of Oyer and Terminer, shall be unable or disqualified through interest or otherwise to sit at any term or in any cause, the Chief Justice shall sit in his stead. In the absence of the judge, the clerk of either of the Courts of Chancery, Superior Court, Court of Oyer and Terminer, Court of General Sessions of the Peace and Jail Delivery, and Orphans' Court, may, upon his order, open and adjourn the same."

When Chief Justice shall sit.

When Clerk may open and adjourn Courts.

Amend Section 7 of said article by striking out the first paragraph to the word "absence," inclusive, and inserting the following in lieu thereof, to wit:

Section 7 amended.

"The Court of Errors and Appeals shall have jurisdiction to issue writs of error to the Superior Court, Court of Oyer and Terminer, and Court of General Sessions of the Peace and Jail Delivery in all cases where such writ is given by this Constitution or prescribed by the General Assembly, and to determine finally all matters in error in the judgments and proceedings of said courts, and to receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in chancery. The Court of Errors and Appeals upon a writ of error shall consist of the Chancellor, the Chief Justice and the Associate Judges who did not sit in the court below. If the resident judge who ought to have tried the cause below did not there sit, he shall sit in the said cause in the Court of Errors and Appeals, unless there be legal exception to him. If the Chief Justice sat in the cause below, he shall not sit in such cause in the Court of Errors and Appeals. Upon a writ of error the Chancellor shall preside, but in case of his absence or disqualification the Chief Justice shall preside, or should he be absent or disqualified, the senior associate present shall preside. Upon appeal from the Court of Chancery, the Court of Errors and Appeals shall consist of the Chief Justice and the Associate Judges. The Chief Justice shall preside, but in case he be absent or disqualified the senior associate present shall preside. Any three of them shall be a quorum, either upon a writ of error or appeal."

Court of Errors and Appeals.

Who compose, etc.

Amend Section 7 of said article further by striking out the word "four" first occurring in paragraph two, and inserting in lieu thereof the following, to wit:

Amend Section 7.

"all the other,"

CONSTITUTIONAL AMENDMENTS.

Amend Section 7 of said article further by striking out the last paragraph beginning with "Upon appeal" and ending with "quorum," and inserting in lieu thereof the following words, to wit:

Report of
Decisions.

"The General Assembly shall provide by law for reporting the decisions of the said Court of Errors and Appeals, Court of Chancery, Superior Court, Court of Oyer and Terminer, and Court of General Sessions of the Peace and Jail Delivery."

Section 8
amended.

Amend Section 8 of said article by striking out these words, to wit:

"Sitting in the Superior Court without the associate judges."

Amend said Section by inserting after the word "interested" the following words:

"as having been of counsel in the case or otherwise."

Section 10
amended.

Amend said article further by striking out Section 10 thereof and inserting the following in lieu thereof:

Orphans'
Court.

"The Orphans' Court in each county shall be held by the Associate Judge residing in the county, but in case such judge shall be unable or disqualified, through interest or otherwise, to sit at any time or in any matter, the Chief Justice shall sit in his stead. In all matters involving a right to real estate or to the appraised or other value thereof, and also as to such other matters as the General Assembly may provide, there shall be an appeal to the Court of Errors and Appeals. Upon such appeal the said Court of Errors and Appeals shall be composed in the same manner as upon a writ of error. The Orphans' Court shall have all the jurisdiction and powers vested by the law of this State in the Orphans' Court."

When Chief
Justice may
sit.

Appeal to
the Court of
Errors and
Appeals.

Jurisdiction.

Section 14
amended.

Amend Section 14 of said article by striking out the first period thereof to the word "each" inclusive, and inserting the following in lieu thereof, to wit:

Compensa-
tion.

"The Chancellor and judges shall respectively receive for their services an annual compensation which shall be paid quarterly, and shall not be less than twenty-five hundred dollars, but the General Assembly may increase the compensation of all, or any of them, and may regulate and apportion any such increase according to justice."

General As-
sembly may
increase.

CONSTITUTIONAL AMENDMENTS.

Amend Section 21 of said article by inserting in the second paragraph thereof after the word "by," first occurring therein, the following, to wit: Section 21 amended.

"such executor, administrator, guardian or other."

Amend said Section 21, in the same paragraph, by striking [out] the words "Orphans' Court for the County," and inserting in lieu thereof the following words, to wit: Section 22 amended.

"in the Court of Chancery for the county, in term or before the Chancellor at chambers;" Court of Chancery substituted.

Amend said Section 21 by adding thereto the following words, to wit:

"Such adjustment and settlement shall be final."

Amend Section 22 of said article by striking out the words, "Superior Court," wherever they occur therein, and inserting in lieu thereof, respectively, the following words, to wit:

"Court of Chancery."

Amend said Section further by adding thereto the following words, to wit:

"Such appeal, in either case, may be heard and decided by the Chancellor sitting in term or at Chambers. The Register shall have power to order issues of fact to be tried by a jury in the Superior Court, as may be prescribed by law." Appeal decided by Chancellor in Term or Chambers. Register may order jury trial in Superior Court.

Amend said Section further by striking out the words "Orphans' Court," and inserting these words:

"Associate judge residing in the county."

Associate Judge residing in the county substituted.

SECTION 2. That the Secretary of State of this State be and he is hereby directed, after the Governor shall have approved of the above proposed amendments, duly to publish the above proposed amendments, and this act, in two or more newspapers of this State, for the consideration of the people, at least three and not more than six months before the next general election of Senators and Representatives in this State. Secretary of State to publish the proposed amendment in two or more newspapers. When.

Passed at Dover, April 19, 1883.

TITLE FIRST.

Of the Jurisdiction and Property of the State; its Legislation and Laws.

CHAPTER 4.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT dividing the Christiana Hundred Northern Election District into two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Christiana
Hundred
Northern
Election
District di-
vided into
two Election
Districts.

Northern
and Western

Division
boundaries.

SECTION 1. That for the purpose of holding elections for state and county officers, in Christiana Hundred Northern Election District, the said northern election district shall be divided into two election districts, northern and western. The Christiana Hundred Western Election District shall be composed of all that portion of said hundred lying north and west of a line beginning at a road on the Brandywine at Rockland paper mills and running thence in a westerly direction by the course of said road to a point where said road intersects the public road leading from Flemings to Centre Meeting and south of DuPont's Station on Wilmington and Western Railroad, thence by said Fleming road to a point where the road leading to Campbell's shops intersects said Fleming road and north of said Wilmington and Northern Railroad, thence by said road leading to Campbell's shops, and by said road crossing the Kennet turnpike and continuing by the several courses of said road to the mill formerly known as Fulton's mill; thence by the stream running from said mill, by its several courses and windings, to where it empties into Red Clay Creek.

Elections.
Where held.

SECTION 2. The elections for the said Western Election District shall be held at the public house belonging to George

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Lancaster, in Centreville, and the elections for the North Christiana Election District shall be held at the usual place as heretofore.

SECTION 3. At the said places shall be held the general elections, all special elections for the members of the General Assembly and Representative in Congress, elections for Electors of President and Vice President of the United States, and elections for Road Commissioners, for Assessors of said hundred, and for Inspectors of said election districts. The electors residing in said hundred shall vote in the election district in which they shall at the time reside. Electors to vote; where

SECTION 4. All the laws of the State touching elections held in the several hundreds of the State shall apply to elections for the same officers of the said election districts, excepting only so far as the general law for the election of assessors and inspectors and road commissioners is qualified by the provisions hereinafter contained. Election laws to apply to elections in said Districts. Exception.

SECTION 5. There shall be elected, in accordance with the provisions of Chapter 17 of the Revised Statutes, one assessor for Christiana hundred and one inspector for each of the said three districts. In such election for assessor and inspector the collector of said hundred shall be the presiding officer of Christiana North Election District, and some qualified voter of the district, to be appointed by the Levy Court of New Castle county in the month of March next previous to the election, shall be the presiding officer for Christiana West Election District, and shall have all the powers and perform all the duties of the presiding officer of such election according to law. And if at any election for assessor and inspector in said Christiana West Election District a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of Section 10 of Chapter 18 of the Revised Statutes. The Levy Court of New Castle county shall, at the time of the appointment, make provision for the furnishing by the Clerk of the Peace of a list of the voters of the said election district to the person appointed as presiding officer as aforesaid. Assessor and Inspector. Presiding officers. When and how appointed. Levy Court to furnish list of voters.

SECTION 6. Immediately upon closing the election for assessor and inspector in the said election districts, and ascertaining the state of the vote, the presiding officer and judges Certificates of election.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

of the election in each of the said districts shall make and sign certificates according to law of the election of inspectors, varying from the form prescribed for that purpose by omitting the assessor, and in lieu of including the election of assessor in such certificate they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor, and also of the number of votes given for each candidate voted for road commissioner.

Presiding of-
ficers to as-
semble.
When and
where.

SECTION 7. The said presiding officer and judges of all the said election districts shall assemble on the day next succeeding said election, at 12 o'clock M., at the voting place in Christiana North Election District aforesaid, and ascertain the aggregate number of votes given in each of the said election districts for each person voted for for road commissioner and for assessor. The candidate having the highest number of votes shall be declared duly elected assessor, and the candidate or candidates, according as there may be one or more to be elected, having the highest number of votes for road commissioner or commissioners, shall be declared duly elected road commissioner or road commissioners; and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest and equal number of votes, the collector or presiding officer of said Christiana North Election District shall give a casting vote, which shall elect the candidate in whose favor it is given.

Passed at Dover, February 13, 1883.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 5.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT to amend "An act dividing Christiana Hundred in two Election Districts," passed February 9th, 1869.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met :

SECTION 1. That Chapter 385, Volume 13, Section five, be and the same is hereby amended by striking out the word "collector" in the sixteenth line of said section and inserting in lieu thereof the words "Clerk of the Peace."

Chapter 385,
Volume 13,
amended.

Passed at Dover, February 13, 1883.

CHAPTER 6.

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

AN ACT to establish the State Library.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. The State Library shall consist of the books, pamphlets, maps, charts and documents of every kind now belonging to the same, together with such others as it may hereafter acquire by gift, purchase, exchange or otherwise.

Contents of
State Libra-
ry.

SECTION 2. The Governor shall, on the first Tuesday of April in the year A. D. 1883, and every two years thereafter, appoint a State Librarian, who shall hold his office for the term of two years, beginning on the ninth day of April next following his appointment, and until his successor is duly appointed and qualified. Before entering upon his duties the Librarian shall take the oath of office and give a bond to the State in the sum of two thousand dollars, with two sureties

Appoint-
ment by the
Governor of
State Libra-
rian.
Term.

Bond ap-
proved by
Governor.

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

Condition. to be approved by the Governor, conditioned for the faithful performance of his official duties, the safe keeping and delivery to his successor of all property belonging to the Library; such oath and bond to be filed in the office of the Secretary of State.

Duties. SECTION 3. The Librarian shall have general charge of the State House, and shall see that the same is properly cared for. He shall, by and with the consent of the judges of the Court of Errors and Appeals, make such rules and regulations governing the Library and its use as may to them seem proper. He shall keep a complete record of all the books taken from the Library, and require the return of the same within thirty days, unless renewed by a written application; but in no case shall there be more than one renewal.

Books to be returned within 30 days, unless renewed.

Fine. When. In case any person taking books from the Library should fail to return the same within thirty days or renew as above provided, then, and in that event, he shall be fined by the Librarian the sum of ten cents per book for each and every week such book or books are so unlawfully retained. The said fine to be collected by the Librarian as such debts are by law now collected, and the proceeds arising from such collection to be expended by him in purchasing stationery for the Library.

Record to be kept of books, etc. SECTION 4. The Librarian shall also keep a complete record of all books, pamphlets, &c., received by him for the State Library, properly label, and acknowledge the receipt of the same.

Duties as to disposal of the laws of the State and Judicial Reports. SECTION 5. Immediately upon the publication of the laws by the Secretary of State, he shall deposit in the Library fifty copies, and the Librarian shall send a copy of the same to the library of each State and Territory in the Union, one to the Congressional Library, one to Delaware College, one to the Historical Society of the State of Delaware, and one to the New Castle County Law Library. The Secretary of State shall also, upon the receipt of the Judicial Reports, and the Chancery Reports, place in the Library, in addition to the number now required by law to be placed therein, a number of copies thereof equal to the number of States and Territories of the United States, and the Congressional Library, Delaware College, the Historical Society of the State of Delaware, and the New Castle County Law Library, and the Librarian shall thereupon transmit one copy thereof to the

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

library of each State and Territory above named, one to the Congressional Library, one to Delaware College, one to the Historical Society of the State of Delaware, and one to the New Castle [County] Law Library.

SECTION 6. The Librarian shall, on the first day of the sessions of the General Assembly of this State, make a report to the same, setting forth the condition of the Library, the number of fines levied and collected, the number and title of books lost during the two years past, and the number and kinds of books received by him for the Library in that period, and all other things concerning the Library that he may deem proper. He shall also keep the Library open each day, except Sundays and legal holidays, from 10 o'clock, A. M. to 12 o'clock, M., and from 2 o'clock to 4 o'clock, P. M., and during the sessions of the Legislature and the sessions of the Courts in Kent County, from 9 o'clock, A. M. to 9 o'clock, P. M.

Report to General Assembly. Contents.

Library. When to open and close.

SECTION 7. That at any time, when the State Librarian shall fail to perform his duties as hereinbefore prescribed, then, and in that event, the Governor may remove him, and appoint some other competent person to fill the unexpired term.

Governor may remove Librarian. When.

SECTION 8. That the sum of seventy-five dollars per year is hereby appropriated out of the money in the treasury for the current expenses of the State Library, and the Librarian is authorized and empowered to draw on the State Treasurer from time to time for the same, as the case may require, and present his vouchers to a committee of the Legislature appointed at its biennial session to settle with the State Librarian.

\$75 for current expenses to be drawn on warrant of Librarian.

SECTION 9. That the Librarian shall receive for his services, as such officer, the sum of four hundred and fifty dollars per year; and he is hereby authorized and empowered to draw upon the State Treasurer, at the end of each quarter, for the same.

Compensation.

SECTION 10. That the sum of money now appropriated for the purchase of law books for the law library shall be increased, and made the sum of three hundred dollars, to be expended by the Librarian under the direction of the Court of Errors and Appeals, for judiciary reports, and not for text books, preference being given to supplying the missing volumes of sets of reports in the Library. Said sum shall be

Amount to be expended for Judicial Reports. How drawn.

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

drawn by the Librarian's draft on the State Treasurer, endorsed with the approval of the said judges, or a majority of them.

SECTION II. That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Passed at Dover, March 30, 1883.

CHAPTER 7.

OF THE PASSING AND PUBLICATION OF LAWS AND OF JOURNALS.

AN ACT to revive and extend the time of Recording Private Acts.

Preamble.

WHEREAS by Chapter 4, Section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely, such as are not of a public nature, or published as such) shall be recorded in the Recorder's Office, in one of the counties of this State, within twelve months after their passage, or they shall be void ;

AND WHEREAS a number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises ; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

Time for recording private acts extended.

SECTION I. That all unpublished acts heretofore passed which have not, by special acts, been repealed, and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively, shall

OF THE PASSAGE AND PUBLICATION OF LAWS AND OF JOURNALS.

have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's Office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. This act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, March 1, 1883.

TITLE SECOND.

Of the Public Revenue, and the Assessment, Collection
and Appropriation of Taxes.

CHAPTER 8.

OF THE REVENUE OF THE STATE.

AN ACT to amend Chapter 390, Volume 13 of the Laws of Delaware,
entitled "An act providing Revenue for this State."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Section 13 of the act entitled "An act providing Revenue for this State," passed at Dover, April 8th, 1869, Volume 13, Chapter 390, (Revised Code, page 39,) be and the same is hereby amended by striking out the words: "Three per centum of every hundred dollars he may hold for distribution among the distributees or legatees, and at that rate for every less sum," and insert in lieu thereof the following words: "Out of the moneys belonging to such legatees or distributees respectively the tax to which they shall be severally subject."

Section 13 of
Chap. 390,
Vol. 13,
amended.

Substitution.

Passed at Dover, February 27, 1883.

OF THE REVENUE OF THE STATE.

CHAPTER 9.

OF THE REVENUE OF THE STATE.

A further additional Supplement to the act entitled "An act in Relation to Oysters."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That from and after the passage of this act it shall not be lawful to use or employ any boat or vessel in dredging for oysters on any of the natural oyster beds of this State unless the said boat or vessel, or at least one-half part thereof, be bona fide owned by bona fide residents of this State and wholly manned by bona fide residents of this State, nor without first procuring from the Collector a certificate, as hereinafter provided.

No boat or vessel to be used in dredging for oysters unless owned in part by bona fide residents of this State. Collector's certificate required.

SECTION 2. In order to obtain such certificate from the Collector, the owner, or one of the owners (if more than one) of any such vessel, shall file with the Collector a written application, stating the name of the vessel, the name of the owner or owners (if more than one,) and the place or places of residence of such owner or owners, and the shares in which such owners own the same, and shall verify such statement by his oath or affirmation, which the said Collector is hereby authorized to administer. The owner so applying shall file at the same time the written statement of the master of such vessel, showing the names and places of residence of the crew of the same, which shall be verified by the oath or affirmation of such master, and which the said Collector is hereby authorized to administer. If it appears by such application or statement that at least one-half part of the said vessel is bona fide owned by a resident or residents of this State, and is wholly manned by a crew all of whom are bona fide residents of this State, the said Collector shall issue and deliver to the captain of such boat or vessel a certificate of the following words, viz:

Written application to obtain certificate. Contents.

Statement verified by affidavit.

Collector to deliver certificate to captain of vessel.

This is to certify that the owner of the vessel called _____ having fully complied with the provisions of law in that behalf, the said vessel is allowed and permitted to be used and employed in dredging on any of the natural oyster beds

Contents.

OF THE REVENUE OF THE STATE.

within the waters of this State during the period by law prescribed for dredging. But the permission hereby conferred shall instantly cease and terminate whenever less than one-half part of said vessel shall be bona fide owned by bona fide residents of this State, or whenever said vessel shall not be manned by a crew wholly composed of bona fide residents of this State.

Given under my hand at ——— this ——— day of ———.

Collector of Oyster Revenue.

Whenever such vessel shall not be wholly manned by bona fide residents of this State, or if at any time less than one-half part thereof shall be owned by bona fide residents of this State, thereupon all privileges conferred by said certificate shall immediately cease and terminate.

SECTION 3. Any person violating the provisions of Section 1 of this act shall be subject to the same penalties and shall be proceeded against in the same manner as is provided for in Section 5 of the act to which this is a supplement; and the like proceedings may be had against any vessel used or employed contrary to the provisions of this act, as are by the last mentioned section provided, with the right of appeal in each case, as is by the said section conferred.

SECTION 4. It shall be the duty of the Collector, or the captain of the watch boat, whenever in the opinion of either of them it may be necessary, to demand of the captain of any vessel found dredging on the natural oyster beds of this State the production and exhibition of the certificate by this act authorized; and any vessel employed in dredging without such certificate shall be immediately seized and her crew arrested, and proceedings shall be thereupon instituted, as herein provided, with full power in the collector or captain of the watch boat to summon a posse to aid in enforcing the provisions of the law in that behalf.

SECTION 5. That the act entitled "An act in relation to Oysters," passed at Dover, February 1st, 1871, be and the same is hereby amended by striking out the words "fifteen acres" where they occur in said act and all acts supplementary thereto, and inserting in lieu thereof the words "fifty acres."

SECTION 6. That any person who is a non-resident of the State of Delaware desiring to plant oysters in the Delaware

OF THE REVENUE OF THE STATE.

Bay and prohibited under this act from dredging for oysters on the natural oyster beds, may obtain a license, under the act to which this is a supplement, for planting oysters and taking up the same, by paying two dollars per ton (custom house measurement,) for the vessel to be used in the business of working the plantation, instead of three dollars per ton.

Non-residents may plant.

Oysters under license. \$2 per ton (Custom House measurement).

Passed at Dover, March 21, 1883.

CHAPTER 10.

OF THE REVENUE OF THE STATE.

AN ACT in relation to the planting of Oysters in Indian River and Rehoboth Bay.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person who is not a citizen of this State, to lay out or plant oysters in any of the waters of Indian River or Rehoboth Bay, and any one so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, before any justice of the peace of Sussex county, shall be fined for each offense the sum of one hundred dollars, and shall forfeit all oysters planted by him or them, the vessel used by him or them in the planting of said oysters and all and everything in and belonging to her. The one-half of said fine shall be paid to the informer and the other half to the commissioner hereinafter appointed.

Non-residents shall not plant oysters.

Penalty \$100

Forfeiture.

Fine. To whom paid.

SECTION 2. That when an affidavit is filed before said justice, charging that a violation of this statute has been committed by any one, and setting forth a description of the boat or vessel used by him or them so charged, the said justice shall issue a warrant directed to any constable of said county authorizing him to arrest the person or persons therein charged, and also to seize and hold said boat or vessel and all and everything in and belonging to her, until the final order of the justice of the peace in the premises.

Justice of Peace shall issue warrant for arrest and seizure.

OF THE REVENUE OF THE STATE.

SECTION 3. That upon such conviction, *the said justice of the peace* shall have the power and authority to commit any one so offending to the jail of Sussex county until such fine and all costs are paid, and also to issue an order to the constable of said county, empowering and directing him to seize and sell said boat or vessel used by such offender in the planting of oysters in the waters aforesaid, and all and everything in and belonging to her, on ten days notice, posted in two of the most public places in each of the hundreds of Indian River, Dagsboro' and Baltimore; and that such sale shall convey to the purchaser or purchasers of said boat or vessel and all and everything in and belonging to her, a good and valid title thereto.

SECTION 4. That the proceeds of said sale so as aforesaid made by the constable, after deducting the costs, which shall be retained by said officer and paid to the parties entitled, shall be paid over to the commissioner hereinafter appointed. *Provided* that the parties defendant may appeal to the Court of General Sessions of the Peace and Jail Delivery, within ten days from the time when judgment was rendered, upon giving bond to the State, with security to be approved by the justice of the peace, in a sum double the amount of the fine imposed and the value of the property seized by the constable, conditioned that if the said appeal shall be prosecuted with effect then the same shall be void, otherwise to be in full force and effect. The proceedings shall be in the name of the State of Delaware, and upon the docketing of the appeal in the Court of General Sessions of the Peace and Jail Delivery, the Attorney General shall answer to the appeal and conduct the case for the State.

SECTION 5. That it shall be lawful for any citizen of the State to lay out or plant oysters in any of the waters of Indian River or Rehoboth Bay, over an area not exceeding twenty acres, for which he shall pay to the commissioner hereinafter appointed annually the sum of fifty cents for each acre as rent for the ground so held by him, the first payment of said tax to be made within one month after he shall stake off the area aforesaid. The said area shall be marked or designated by stakes as provided in the next section of this act, and the oysters deposited within said stakes and their increase shall be the private property of the said planter and shall be protected as is hereinafter provided.

SECTION 6. That any citizen of the State may appropriate to his own use a part of

OF THE REVENUE OF THE STATE.

bottom of Indian River or Rehoboth Bay for planting oysters, which part he shall designate by corner stakes to show at least two feet above the ordinary high water and not to be obstructive of navigation. It shall be the possession of the planter or planters, and the oysters to be deposited therein and their increase shall be his or their private property. *Private Grounds.* *Provided* that any such citizen so intending to appropriate any such part of the bottom of said Indian River or Rehoboth Bay shall, within thirty days after he has so as aforesaid staked off the area which he intends to use for planting oysters, file with the commissioner hereinafter appointed a sufficient plot and description of said area, whereby the same may be known and located, reference being made in said plot and description to natural objects or to artificial boundaries erected or fixed on the shore or shores of said Indian River or Rehoboth Bay, and provided he shall, within six months after he has so as aforesaid staked off the area aforesaid, plant therein fifty bushels of oysters on each acre of his area and make affidavit that he has deposited or planted said quantity of oysters within said area, said affidavit to be appended to the aforesaid plot and description and recorded therewith in the office aforesaid. *Proviso.* *Plot to be filed with Commissioner.* *Proviso.* *Within six months must plant fifty bushels per acre.* *Affidavit.* If he shall fail to file said plot and description and affidavit, or deposit or plant said quantities of oysters within the time aforesaid, he shall forfeit all right, title and claim to the area aforesaid, and the same may be appropriated for the purpose aforesaid by any other citizen of said State. *Forfeiture.*

SECTION 7. That the privilege granted by this act shall not be construed to convey any other right than that to plant oysters or hold them as property, which shall be liable for the debts of the person so as aforesaid appropriating any of said area aforesaid, and any levy and sale under execution process of the area of any defendant in such process, shall convey to the purchaser the same right to use said area for oyster planting purposes that the defendant had and owned and all the oysters thereon planted at the time of said sale. *Liab. for debt.* *Execution. Sale.* *Rights of purchaser.*

SECTION 8. That if any person or persons shall take and carry away from the area or plantation of another, so as aforesaid appropriated to his use, any oysters being within the limits thereof, without the consent of the owner thereof, he shall be deemed guilty of larceny, and upon conviction thereof be punished accordingly, and it shall be no objection to a prosecution for larceny in such a case that the act was done openly. *Trespasser deemed guilty of larceny.*

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

drawn by the Librarian's draft on the State Treasurer, endorsed with the approval of the said judges, or a majority of them.

SECTION 11. That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Passed at Dover, March 30, 1883.

CHAPTER 7.

OF THE PASSING AND PUBLICATION OF LAWS AND OF JOURNALS.

AN ACT to revive and extend the time of Recording Private Acts.

Preamble.

WHEREAS by Chapter 4, Section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely, such as are not of a public nature, or published as such) shall be recorded in the Recorder's Office, in one of the counties of this State, within twelve months after their passage, or they shall be void ;

AND WHEREAS a number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises ; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

SECTION 1. That all unpublished acts heretofore passed which have not, by special acts, been repealed, and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively, shall

Time for recording private acts extended.

OF THE PASSAGE AND PUBLICATION OF LAWS AND OF JOURNALS.

have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not make effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's Office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. This act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, March 1, 1883.

OF THE REVENUE OF THE STATE.

CHAPTER 13.

OF THE REVENUE OF THE STATE.

AN ACT to amend Chapter 13, Volume 14, Laws of Delaware.

Preamble. WHEREAS the supplement to the "Act in relation to Oysters," passed at the present session of the Legislature, greatly increases the duties of the Collector of the Oyster Revenue and at the same time diminishes his compensation ; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Chapter 13, Volume 14, Laws of Delaware, be and the same is hereby amended by striking out the words "five per centum," in line two of Section 18, and insert in lieu thereof the words "eight per centum."

Section 18,
Chapter 13,
Volume 14,
amended.

Passed at Dover, April 10, 1883.

CHAPTER 14.

OF THE LEVY COURT.

AN ACT to authorize the Levy Court of Kent County to re-appoint, for an additional term or terms, a Constable for South Murderkill Hundred, and also for North Murderkill Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall and may be lawful for the Levy Court of Kent County, in the exercise of their discretion, to re-appoint, for any additional term or terms, any Constable for South Murderkill Hundred, in the county aforesaid, and also any Constable in North Murderkill Hundred, in the county aforesaid.

Authority to
re-appoint
Constable in
South and
North Mur-
derkill Hun-
dreds.

Passed at Dover, March 12, 1883.

OF THE LEVY COURT.

CHAPTER 15.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of Sussex County to appropriate annually money for the keeping in repair a road in Cedar Creek Hundred.

WHEREAS the General Assembly, by an act passed the nineteenth day of March, A. D. 1877, authorized and empowered the United States Government to open and construct a road from one of the main county roads to the Light House at the mouth of Mispillion Creek, and whereas the Government has failed to keep said road, which is of great benefit to the public, in proper repair, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Levy Court of Sussex County be and they are hereby authorized to appropriate annually whatever sum of money they, in their judgment, think necessary and proper for the keeping of said road in proper repair.

Passed at Dover, March 21, 1883.

CHAPTER 16.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of New Castle County to Fund the Floating Debt of said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Levy Court of New Castle county be and are hereby authorized and empowered to borrow, on the credit of said county, a sum not exceeding two hundred thousand dollars, and for that purpose to issue certificates of

Appropia-
tion author-
ized.

Authorized
to borrow
\$200,000.

OF THE LEVY COURT.

Certificates of indebtedness. Rate of interest. \$10,000 payable annually. Liquidation of floating debt. Duty of County Treasurer.

indebtedness of such denominations, in such form, and bearing such rate of interest, not exceeding five per cent., as said Levy Court may deem expedient, and to be so arranged as to time of payment that the sum of ten thousand dollars of the principal sum so to be borrowed shall become due and payable in each and every year until the whole is paid; and the said Levy Court are directed to apply the money borrowed as aforesaid within six months thereafter to the liquidation and payment of the said floating indebtedness which may have been due and payable before the passage of this act. The application of the said money as aforesaid shall be made through the County Treasurer, under the direction and supervision of the said court, or a committee thereof, duly appointed for that purpose.

Tax rate for sinking fund. How applied

SECTION 2. That the Levy Court, in fixing the rate of taxation, shall, annually, provide for a sum equal to five per cent. of the whole amount borrowed under the provisions of this act, which shall, when collected and paid to the Treasurer of said county, be set apart by him in a separate account to be opened for that purpose and designated as the "Sinking Fund Account for the Loan of 1883;" and the said Treasurer shall apply the said sum annually to the payment of such part of said loan as may from time to time become due under the provisions of Section 1 of this act.

Unlawful to borrow exceeding \$10,000 annually. Payment. Proviso.

SECTION 3. It shall not be lawful for the said Levy Court to contract any floating debt, or to borrow any money in addition to the amount by law authorized to be borrowed exceeding the sum of ten thousand dollars in any one year; and when any such floating debt shall be hereafter contracted it shall be the duty of the said Levy Court to provide for the payment thereof out of taxes to be levied in the year next thereafter; *provided* that in case of the destruction by fire of any of the public buildings of said county, or of any accident to any bridge of said county, destroying the same or rendering it insecure, the Levy Court may, by a vote of three-fourths of its members, provide for such emergency by temporary loan or loans until after the next ensuing session of the General Assembly.

Penalty for violation.

SECTION 4. In case of any violation of Section 3 of this act, the members of the Levy Court voting in favor of such violation shall be personally liable for any debt or debts so incurred.

Passed at Dover, March 28, 1883.

OF THE LEVY COURT.

CHAPTER 17.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of New Castle County to make a Loan for the benefit of the Trustees of the Poor of New Castle County.

WHEREAS it has become necessary to erect new and more commodious buildings for the Insane and the Poor of New Castle County, and whereas it is desirable that any debt contracted therefor, as well as any and all other existing debts of the Trustees of the Poor of New Castle County, shall be secured to be paid by county bonds and be limited in amount; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That for the purpose of funding the floating debt of the Trustees of the Poor of New Castle County, and of paying for the erection of the new almshouse and building for insane for said county, the Levy Court of New Castle County is hereby authorized and directed to borrow upon the credit of said county, for the use of the Trustees of the Poor of said county, such sum or sums of money as may be necessary, and as may be directed by the Trustees of the Poor of New Castle County, not exceeding in the aggregate two hundred and ninety thousand dollars, and for such purpose may issue certificates of indebtedness, of such denomination, in such form, payable at such time or times, not less than ten thousand dollars each year after the issuing of such certificates, and bearing such rate of interest not exceeding five per centum per annum, as said Levy Court may deem expedient. The said Levy Court shall provide for the payment of said certificates and of the interest thereon by means of the poor tax of said county, laying the same so as to meet such increased demands.

SECTION 2. The moneys realized from the sale of county bonds, as provided in Section 1 of this act, shall be paid to the Treasurer of the Poor of New Castle County, to be by him applied only towards paying for the erection, completion and furnishing the new almshouse and building for the insane for said New Castle County, and towards paying the floating and

Preamble.

Authorized
to borrow
not exceed-
ing \$290,000
for the use of
the Trustees
of the Poor.

Certificates
of indebted-
ness.
\$10,000 pay-
able an-
nually.
Rate of in-
terest.

Provision
for payment.

Proceeds
paid to
Treasurer
of Poor.

Application
of moneys.

OF THE LEVY COURT.

Proviso. funded indebtedness of said Trustees of the Poor ; *provided* that of said bonds herein authorized an amount not exceeding the aggregate sum of the certificates of indebtedness of said Trustees of the Poor of New Castle County outstanding may be used for payment of, or in exchange for, said outstanding certificates.

Real estate of Trustees of the Poor to be sold. SECTION 3. That the real estate of the Trustees of the Poor of New Castle County, in Wilmington, shall be held in trust, and when sold and conveyed as hereinafter is provided the net proceeds of sale thereof shall be applied towards payment of the money borrowed, or authorized by this act to be borrowed, or of the bonds issued therefor.

Trustees to convey in trust to whom. SECTION 4. That the Trustees of the Poor of New Castle County shall convey in fee simple all the real estate situate in Wilmington belonging to said corporation to Henry G. Banning, Edward T. Bellah, Joseph L. Carpenter, Jr., William C. Lodge and Victor DuPont, and the survivors and survivor of them, the heirs and assigns of such survivor, in trust to sell and convey the same in whole or in part at public or private sale in their discretion, and to execute and deliver therefor deeds conveying to the purchasers the same free and clear of liens and discharged from the responsibility of the non-application or mis-application of the money therefor ; the net proceeds of such sale or sales, after deducting reasonable expenses, shall by said trustees be applied towards payment of the money borrowed or authorized by this act to be borrowed, or the purchase or payment of the bonds issued therefor ; *provided* that if all or any of the said real estate be sold before the bonds herein authorized be all issued, the proceed of such sales shall be applied directly towards the completion and construction of the said new buildings, and the amount of bonds to be issued shall be reduced to that extent ; *and provided further* that said real estate shall be all sold and conveyed as herein stated within five years from the passage of this act. The said real estate, while held by the trustees as aforesaid, shall be exempt from all taxation. In case either or any of the persons so named as trustees shall die before or after such conveyance to them by the Trustees of the Poor, or shall refuse to accept said trust, it shall be the duty of the Chancellor, upon the application of the Levy Court and of the Trustees of the Poor, or either of them, to appoint some other suitable person or persons in lieu of him or them so dying or refusing to accept said trust.

Public or private sale.

Title.

Proviso.

Further proviso.

Exempt from taxes.

Chancellor to fill vacancies.

OF THE LEVY COURT.

SECTION 5. That from and after the passage of this act the Trustees of the Poor of New Castle County shall not have authority to borrow any money whatever.

Illegal for Trustees of the Poor to borrow.

SECTION 6. The yearly appropriation made by the Levy Court for the use of the Trustees of the Poor of New Castle County shall be paid to the Treasurer of the Poor of said county, in equal quarterly installments, on the last Wednesday of July, October, January and April, of each year. Upon extraordinary occasion the Levy Court of New Castle County shall have authority, upon application of the Trustees of the Poor of said county, to borrow, for the use of said Trustees of the Poor, a sufficient sum of money to meet such occasion, the payment of such sum to be provided for in the levy of poor taxes for the ensuing year.

Yearly appropriations paid quarterly to Treasurer of the Poor.

Levy Court.

Authority to borrow on extraordinary occasion.

Provision for payment.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 8. This act shall be a public act and published as such.

Passed at Dover, March 30, 1883.

CHAPTER 18.

OF THE LEVY COURT.

AN ACT to direct the Levy Courts of the several counties to publish detailed statements of all Expenditures of County Funds, and circulate the same in pamphlet form.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall be the duty of the Levy Court of each county in this State annually, in the month of May, to cause to be printed in pamphlet form a detailed statement of all expenditures of the funds of said county, and orders drawn by each Levy Court Commissioner for any and all service performed or materials furnished in their respective hundreds, specifying in said statement the time when and the

Directed to publish detailed statement. When, and contents.

OF THE LEVY COURT.

purpose for which the same was done; said statement shall also contain the aggregate amount of the per diem allowed to each member of the Levy Court, with the number of days of attendance and miles allowed to each.

No. copies
printed.

How dis-
tributed.

SECTION 2. The said Levy Courts shall have printed such number of copies of said pamphlets as aforesaid as the said Levy Court may deem advisable and necessary for their respective counties, and one-half of the number so printed shall be equally divided between the Justices of the Peace in the respective counties, and the other half between the members of said Levy Courts respectively, who shall keep the same for delivery upon application to them by any voter of their respective hundreds.

SECTION 3. All acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Passed at Dover, April 12, 1883.

CHAPTER 19.

OF THE LEVY COURT.

AN ACT to provide for the Establishment and Maintenance of a Ferry across the Nanticoke River at Woodland, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Authorized
to establish
public ferry
across Nan-
ticoke River
at Woodland

May make
appropria-
tions.

SECTION 1. That the Levy Court of Sussex County be and they are hereby authorized (if in the judgment of said Levy Court they deem it for the best interest of the county to establish said ferry) and required to cause to be established and maintained a public ferry across the Nanticoke River at the place now known as Woodland, but formerly called Cannon's Ferry, and to make such appropriations as may be necessary to procure the scow or boat to be used for ferriage purposes. And also to make such appropriations from time to time as may be necessary for the proper attendance upon and maintenance of the same.

OF THE LEVY COURT.

SECTION 2. That all citizens of this State, with their teams, wagons and carriages, shall be transported across the said ferry at all times between sunrise and sunset free of charge, but the Levy Court may prescribe tolls to be collected for the ferriage of all other persons.

Citizens of
this State
transported
free,
Tolls.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 19, 1883.

CHAPTER 20.

CLERK OF THE PEACE.

AN ACT to amend Section 21, Chapter 9, Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 21, Chapter 9, Revised Statutes of the State of Delaware, be and the same is hereby amended by inserting after the word "list," in the fourth line of said section, the words "of at least three consecutive letters of the last names thereof"; *provided* that this act shall not go into effect until after the next general assessment shall be duly returned to the Levy Court of the proper county.

Section 21,
Chapter 9,
Revised
Statutes
amended.

Proviso.

Passed at Dover, March 27, 1883.

OF THE CLERK OF THE PEACE.

CHAPTER 21.

OF THE CLERK OF THE PEACE.

AN ACT in relation to Clerks of the Peace.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Clerk of the Peace in each county be and he is hereby authorized to administer oaths or affirmations in all cases relating to the business of the office of Clerk of the Peace.

May administer oaths in certain cases.

Passed at Dover, April 9, 1883.

CHAPTER 22.

OF ASSESSORS.

AN ACT to amend Section 7, Chapter 10, Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 7, Chapter 10, Revised Statutes of the State of Delaware, be and the same is hereby amended by inserting after the word "alphabetically," in the fourth line of said 7th Section, the words "at least three consecutive letters of the last name thereof;" *provided* that this act shall not go into effect until the next general assessment which shall be made in accordance therewith.

Section 7 of Chapter 10, Revised Code, amended.

Proviso.

Passed at Dover, March 27, 1883.

OF COLLECTORS.

CHAPTER 23.

OF COLLECTORS.

A SUPPLEMENT to Chapter 12 of the Revised Code of 1874, entitled of "Collectors."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That hereafter it shall be the duty of the collectors of county taxes in the City of Wilmington, at the request of any person paying a tax upon his person or property, to make out and deliver to him a bill, showing, in addition to the amount of tax, how much is laid upon his person and personal property, and how much of it is laid upon his real estate, and if it is laid upon more than one parcel of real estate, then how much of it is laid upon each parcel, describing each parcel according to the description thereof appearing upon the assessment list for Wilmington Hundred.

Supplement
to Chapter
12, Revised
Code.

Collectors
in Wilmington
to give
itemized
account of
taxes.

Passed at Dover, April 19, 1883.

OF THE PUBLIC ARMS AND DEFENSE.

TITLE THIRD.

Of the Public Arms and Defense.

CHAPTER 24.

OF THE PUBLIC ARMS AND DEFENSE.

AN ACT to amend Chapter 15 of the Revised Code as amended by Chapter 326 of Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 10 of Chapter 15 of the Revised Code, as amended by Chapter 326 of Volume 16, Laws of Delaware, be and the same is hereby stricken out and the following inserted in lieu thereof, as said Section 10, viz :

Companies. SECTION 10. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians, and not more than one hundred
Regiment. privates. Each infantry regiment shall consist of not less than four nor more than eight companies, one colonel, one lieutenant colonel, one major, one adjutant, one quartermaster, one surgeon with the rank of major, one assistant surgeon with the rank of first lieutenant, one sergeant major, one quartermaster's sergeant, one drum major, and one hospital steward. The adjutant and quartermaster shall be lieutenants selected from the first or second lieutenants of the regiment.
Battalions. A regiment shall be divided into two battalions. In the ordinary arrangement of the troops two regiments shall constitute a brigade, and two brigades a division; but the Governor
Brigade. may, in his discretion, attach such numbers of regiments or
Division. battalions to any brigade, or such number of brigades to any division, as he may deem proper.

OF THE PUBLIC ARMS AND DEFENSE.

SECTION 2. That it is hereby expressly provided that nothing contained in the first section of this act, or in the acts to which this act is an amendment, shall affect in any manner the present rank, standing or position of the field or staff of the First Regiment Delaware Volunteer Militia, as now organized and existing; but whenever a vacancy occurs in any office not provided for in Section 1 of this act, the same shall not be filled.

Rank of field
and staff of
present regi-
ment un-
affected.

SECTION 3. That Section 11 of the said Chapter 15, as amended as aforesaid, be and the same is hereby amended by adding at the end thereof the following: *Provided* that the amount hereby appropriated shall be divided equally among the companies organized under the provisions of this act, who shall be of the proper standing and efficiency at the muster and inspection next preceding the distribution of the said moneys.

Proviso.

Annual ap-
propriation,
How divided

SECTION 4. That Section 16 of the aforesaid chapter, amended as aforesaid, be and the same is hereby amended by adding at the end thereof the following: And for the purposes of this section officers and soldiers of the militia shall be considered on duty whenever in the headquarters or armories of their regiment or companies.

When on
duty.

SECTION 5. That Section 19 of the said chapter as amended be and the same is hereby amended by striking out, in the third line of said section, the words "twenty privates," and inserting in lieu thereof the words "twenty-five enlisted men".

SECTION 6. That Section 23 of the said chapter, as amended, be and the same is hereby amended by striking out, in the twenty-first line thereof, the words "all courts martial shall be carried on in" in said line, and the words "day time," in line twenty-second of the said section, and insert in lieu thereof the following: "The officer ordering a court martial shall in such order state the time at which it shall convene."

Courts mar-
tial. When
held.

SECTION 7. That the said chapter be and the same is hereby amended by adding at the end thereof the following additional sections, viz :

SECTION 26. That all officers known as commissioned officers, elected and appointed under the authority of this chapter, shall, before entering upon the duties of their several

Commis-
sioned offi-
cers to be
sworn.

OF THE PUBLIC ARMS AND DEFENSE.

offices, take and subscribe an oath to faithfully perform the duties of their respective offices in the following form, viz :

STATE OF DELAWARE,

— County, ss.

Form of
oath.

I, —, of —, do solemnly swear to support the Constitution of the United States, and the Constitution and Laws of the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the lawful orders of any superior officers, according to the laws of the State of Delaware.

Sworn and subscribed before me this — day of —, 18—.

By whom
admin-
istered.

This oath may be administered by any officer of this State now authorized by law to administer oaths, or by any general or field officer who may have previously sworn and subscribed to the same. A copy of the said oath shall be filed with the Secretary of State.

Filed with
Secretary of
State.

Enlisted
men to be
sworn.

SECTION 27. That all persons enlisting in the militia service of the State of Delaware shall enlist for the term of three years, and shall immediately upon such enlistment take and subscribe an oath in the following form, viz :

STATE OF DELAWARE,

— County, ss.

Form of
oath.

I, —, of the county of — and State of — do hereby acknowledge to have voluntarily enlisted [or re-enlisted] this — day —, 18—, as a soldier in the volunteer militia of the State of Delaware, for the period of three years, unless sooner discharged by the proper authority, and do also agree to accept from the State of Delaware such bounty, pay, rations and clothing as are or may be prescribed by law, and I, —, do solemnly swear [or affirm] that I will bear true faith and allegiance to the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the orders of the officers appointed over me according to the laws of the State of Delaware.

— [SEAL.]

Sworn and subscribed before me this — day of —, 18—.

OF THE PUBLIC ARMS AND DEFENSE.

This oath may be administered by any officer of this State By whom authorized to administer oaths, or by any commissioned officer in the military service of the State of Delaware.

SECTION 28. The commanding officer of the regiment Discharges. shall have power, upon the recommendation of company commanders, or when satisfactory reasons are given, to grant an honorable discharge to any enlisted man whose term of enlistment may not have expired, and he shall also issue to all enlisted men having faithfully served their term of enlistment an honorable discharge, under his hand, from the service of the State. No dishonorable discharge shall be given except upon sentence by a court martial.

SECTION 8. That all officers now in the service of the State shall, within thirty days after the passage of this act, Officers to be sworn within 30 days. take and subscribe to the oath prescribed in Section 7 thereof. The Governor shall withdraw the commission of any officer Governor to withdraw commission in certain cases. neglecting or refusing to take the prescribed oath, and such officer shall be discharged from the military service of the State. All enlisted men now in the service of the State shall take the oath prescribed in Section 7 of this act, and any Enlisted men to be dropped from roll. When. man refusing so to do shall be dropped from the roll of his company or regiment and discharged from the service of the State. No honorable discharge shall issue to any one refusing to comply with the provisions of this section, unless the person refusing shall have served for the term of three years. The form of oath for enlisted men shall, in the case of men now in the service of the State, be so varied as to make their Term of men now in service. term of enlistment three years from the date of their original enlistment.

SECTION 9. That in all future editions of the laws of this State, Chapter 15 of the Revised Code, as amended by Chapter 326 of Volume 16, Laws of Delaware, shall be published Chapter 15 of Revised Code to be published as amended. as hereby amended.

Passed at Dover, April 4, 1883.

OF THE PUBLIC ARMS AND DEFENSE.

CHAPTER 25.

OF THE PUBLIC ARMS AND DEFENSE.

Chapter 15 of the Revised Code amended.

ARSENALS.

Sheriff to keep arsenal **SECTION 1.** The arsenal in each county shall be under the care of the sheriff, who shall keep the same secured. He shall safely keep and preserve therein all the public arms and accoutrements, and from time to time deliver out and receive into such arsenal such arms and accoutrements, when required by any officer having authority to make orders therefor.

His duties.

ARMS AND ACCOUTREMENTS.

Public officers to seize arms. **SECTION 2.** It shall be the duty of the sheriff, justices of the peace, constables, and militia officers of each county, to seize all public arms and accoutrements which are in any place, or shall be in possession of any person without authority, and deposit the same in the arsenal.

Proof. **SECTION 3.** If suit be brought against any such officer for such seizure, the burden of the proof shall lie on the plaintiff. If judgment be rendered against the officer, he shall not pay any costs, but they shall be borne by the county, and paid as other allowances.

Costs.

Arms. **SECTION 4.** It shall be the duty of the sheriff of each county, at least once a year, to inspect, and, if necessary, cause to be cleaned the arms and accoutrements of his county, for which service he shall receive a reasonable compensation, to be allowed by the Levy Court. If he neglect to perform this duty, he shall, for every offense, forfeit and pay ten dollars.

Inspection.

Cleaned.

Cost.

Selling arms **SECTION 5.** If any person shall sell, buy, or give away, or have in possession without authority, any of the public arms or accoutrements, he shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty, nor more than forty dollars.

Penalty.

OF THE PUBLIC ARMS AND DEFENSE.

VOLUNTEER COMPANIES.

SECTION 6. It shall be lawful for the free white male citizens of this State above the age of twenty years to organize, in the respective counties, volunteer companies of artillery, infantry, grenadiers, riflemen, and troops of cavalry, or dragoons, who shall, as nearly as practicable, be officered, armed, equipped, and disciplined according to the army regulations of the United States. *Provided, however,* that in time of peace the number of companies organized shall not exceed eight, four of which may be organized in New Castle county, and two in each of the counties of Kent and Sussex.

SECTION 7. The companies, or troops, shall elect, by ballot, their respective officers, and whenever, according to the aforesaid regulations, there shall be a sufficient number of companies or troops to compose a battalion, or a squadron, or a sufficient number of battalions or squadrons to form a regiment, then the corresponding grades of officers shall be elected by ballot by the commissioned officers of the respective companies, or troops, composing such battalions, squadrons or regiments. Whenever there shall be a sufficient number of regiments to form a brigade, the brigadier general and brigade inspector shall be elected in the same manner as the officers of a battalion, squadron or regiment; and all the officers to be thus chosen, and who, by the aforesaid regulations, are usually called commissioned officers, shall be commissioned by the Governor for the term of seven years.

SECTION 8. The Adjutant General shall give fifteen days' notice of elections of the commanding officers of a battalion, squadron, regiment, or brigade, to the commanding officers of each company or troop composing, or about to compose, such battalion, squadron, regiment, or brigade; and each commanding officer of a company, or troop, shall give *five* days' written notice of such election to every commissioned officer of his company, or troop, under the penalty of any fine, not exceeding thirty dollars, which fine may be imposed on him, for a failure, by a court martial.

SECTION 9. The staff of the Commander-in-Chief shall consist of an Adjutant General, a Quartermaster General, and an Inspector General, each with the rank of brigadier general, one Commissary for each county and three Aids-de-Camp, each with the rank of colonel. The Governor shall have authority to appoint such other officers as may be necessary

OF THE PUBLIC ARMS AND DEFENSE.

Duties of quarter-masters in time of peace. for the proper government, instruction and discipline of the military forces of the State. In time of peace the Adjutant General shall perform the duties of Quartermaster General and Inspector General.

Companies. SECTION 10. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians, and not more than one hundred
Regiment. privates. Each infantry regiment shall consist of not less than four nor more than eight companies, one colonel, one lieutenant colonel, one major, one adjutant, one quartermaster, one surgeon with the rank of major, one assistant surgeon with the rank of first lieutenant, one sergeant major, one quartermaster's sergeant, one drum major, and one hospital steward. The adjutant and quartermaster shall be lieutenants selected from the first or second lieutenants of the regiment.
Battalions. A regiment shall be divided into two battalions. In the ordinary arrangement of the troops two regiments shall constitute a brigade, and two brigades a division; but the Governor may, in his discretion, attach such numbers of regiments or
Brigade. battalions to any brigade, or such number of brigades to any
Division. division, as he may deem proper.

Troop. SECTION 11. A troop of cavalry or dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, three corporals, one trumpeter, one farrier, one saddler, and
Squadron. fifty-four privates. A squadron shall consist of one major, and at least two troops of cavalry, or dragoons, and not more than four, and shall be formed whenever there shall be two troops of cavalry or dragoons in any brigade. A squadron shall also be entitled to one adjutant and one quartermaster.
Artillery. When the artillery in any brigade shall form two or more companies, they shall compose a battalion, and shall be entitled to a major, adjutant and quartermaster. There shall be annually appropriated by the State the sum of twelve
Annual appropriation. hundred dollars, for the support of the organized militia of the State, to be expended under the supervision and direction of the Adjutant General, whose duty it shall be, before drawing any warrant upon the State Treasurer, to submit the item or items of expenditure to the Governor for his approval, and upon the approval of the same, by the Governor, it shall be the duty of the State Treasurer to pay any such warrants
How expended. presented to him out of any moneys in his hands. *Provided* that the amount hereby appropriated shall be divided equally
Proviso.

OF THE PUBLIC ARMS AND DEFENSE.

among the companies organized under the provisions of this act, who shall be of the proper standing and efficiency at the muster and inspection next preceding the distribution of the said moneys.

SECTION 12. The Commissary of each county shall have charge of all the military stores in his county, and shall collect all the public arms, and keep them in the arsenal in perfect order for duty; and he shall not give out the said arms, except to the order of the Adjutant General. All necessary expense for keeping in order the said public stores and arms shall be paid by the Levy Court of the county wherein the same is incurred. But the sheriffs of the respective counties shall have charge of the public arms and accoutrements, as provided by Section 1, if there be no commissary in commission. The Adjutant General shall have power to condemn and sell all arms, accoutrements and ammunition found to be unserviceable, or which it may be deemed to the interest of the State to dispose of, on such terms as the Governor shall approve, and shall allot the money received from such sale or sales *pro rata* to the several companies, troops, or batteries in the service of the State. He shall make report biennially to the Governor of all moneys so received and distributed, to be by the Governor submitted to the General Assembly at its next session.

Commissaries.

Duties.

Expenses.

Power to condemn and sell arms, &c.

Biennial report to Governor by the Adjutant General.

SECTION 13. Each commissary, before he enters upon the duties of his office, shall give bond to the State, with sufficient surety, to be approved by the Governor, in the sum of one thousand dollars, conditioned for the faithful performance of said duties; which bond the Governor shall immediately forward to the Secretary of State to be filed in his office. Bond and security shall also be given, in the name of the State, by all officers to whom arms or accoutrements are delivered, for their safe return in proper order and condition.

Bond.

Firearms.

SECTION 14. When it may be necessary to use any military force for public defense against foreign or domestic violence, the Governor shall have power, according to the emergency, to call out any volunteer companies or troops, or any part thereof, for that purpose; and the sheriff of any county, or any two magistrates thereof, may by a written order, addressed to the captain or commanding officer of any company, or troop, or the major of any battalion, or colonel of any regiment, within the county, require the aid of such company, troop, battalion, or regiment for the suppression of

Troops.
How called out.
For war.

To keep the peace.

OF THE PUBLIC ARMS AND DEFENSE.

a riot and the protection of the peace of the county. For every day's and night's service, whilst on such duty, the Levy Court of the county wherein the service is required shall allow each non-commissioned officer and private one dollar, and the commissioned officers two dollars each, besides all necessary expenses. The Mayor of the city of Wilmington may, in like manner, call upon the volunteer force of said city, or upon the commanding officers of any company or troop in New Castle county, to aid in the suppression of a riot and in the preservation of the peace of said city; and all pay and expenses thereby incurred shall be paid by said city and not by New Castle county.

SECTION 15. All such requisitions of military force shall be made known to the forces, whose services are required, by the commanding officer thereof; and upon refusal of those notified to attend the summons and perform the duty required, they shall be fined as follows: each non-commissioned officer, or private, not less than thirty nor more than one hundred dollars, and each commissioned officer, not less than one hundred nor more than one thousand dollars, as the court martial shall in all such cases determine; and furthermore the commission of a commissioned officer shall become void.

SECTION 16. Any commissioned officer who shall be guilty of disorderly, disobedient, or any unmilitary conduct, at any time when on duty, shall be put under arrest by the commanding officer, and tried by a court martial, and fined in any sum not exceeding fifty dollars, or he may be cashiered; if a non-commissioned officer, or private, shall be so guilty, he may be disarmed and put under guard, and fined at the discretion of the court martial, not less than two nor more than ten dollars; and for the purposes of this section, officers and soldiers of the militia shall be considered on duty whenever in the headquarters or armories of their regiment or companies.

SECTION 17. All fines imposed by a court martial, as well as by the by-laws of any volunteer company or troop, may be sued for and recovered before any justice of the peace, in the name and for the use of the said company or troop, if the amount be within his jurisdiction, or in the case of a field or staff officer, in the name of the brigadier general of the county, for the use of the battalion, squadron, division, regiment, or brigade to which he belongs. There shall be no

OF THE PUBLIC ARMS AND DEFENSE.

stay of execution on a judgment rendered for such a fine, but Execution.
the same shall forthwith be issued.

SECTION 18. The said volunteer companies or troops, Rules of war
when they, or any part thereof, shall be called into actual
service by the authority of this State, or of the United States,
shall be governed by the rules and articles of war and the
regulations established for the government of the army of the
United States.

SECTION 19. In case any company, or troop, to be raised Companies
under the provisions hereof, shall not, in one year from the disbanded.
appointment of its officers, contain at least twenty-five en-
listed men, or shall be reduced under that number and so re-
main for six months thereafter, such corps shall be deemed to
be disbanded, and its arms and accoutrements shall be returned Return of
to the commissary or officer having charge of the arms for arms.
the county to which such corps belongs. In case such arms
and accoutrements be not returned, upon the order of the
Governor, to the commissary or officer aforesaid in proper
order and condition, the officer who gave bond with respect
thereto shall be liable thereon; but the arms shall not be
demanded from any company, or troop, except as specified
by this section.

SECTION 20. If any officer or soldier, belonging to any Care of
company or troop aforesaid, be wounded or disabled in the wounded.
the service of the State when called out into such service, he
shall be taken care of and provided for at the public expense,
and fair compensation allowed him for his time and injury;
if killed, his family shall receive a pension according to his Pensions.
rank, as regulated by the pension laws of the United States.
If any horse shall be taken into the service of a company, or Horses ap-
troop, the same shall be appraised by the officer in command praised.
and two citizens, before the time it is actually used in such
service, and the appraisement entered in a book by the officer
who assists in making the same; and in case such horse shall Loss of
be killed, disabled, die, or be taken by the enemy, the owner compensa-
shall be paid his full value; provided the loss has not hap- tion.
pened by the neglect or improper conduct of the owner or his
servant; and for the use of every such horse a fair compen-
sation shall be made.

SECTION 21. It shall be the the duty of the Adjutant Adjutant
General to distribute to the several corps all orders from the general.
Governor, to attend all reviews under this act, to obey all Duty of.

OF THE PUBLIC ARMS AND DEFENSE.

orders relative to carrying into effect and perfecting the system of military discipline thereby, and to make all the returns and perform all the duties required of him by the rules and regulations of the army of the United States, and for which he shall receive an annual salary of two hundred dollars. The commissaries are required, and it shall be their duty, to make return to the Adjutant General, in such form as he shall direct, of all military stores, magazines and arms in their charge, in order that he may be enabled to lay before the Major General the effective force and condition of the military department of the State, that the same may be transmitted to the General Assembly at its sessions. If any officer refuse or neglect to perform the duties required of him by this section, he may be fined, at the discretion of a court martial, any sum not exceeding twenty dollars.

Annual
salary.
Commissaries to make
returns to,

Neglect.

Penalty \$20.

Reviews. SECTION 22. The Governor may review the volunteer forces of this State at his pleasure, and the ranking officer, in command of the troops, shall inspect all the troops under his command at least once a year, and report the result of such inspection to the Adjutant General.

Courts martial.

Approving
sentence.

Judge advocate.

Charges.

Default.

Time.

SECTION 23. The Governor shall appoint courts martial for the trial of all officers above the rank of first lieutenant; and the ranking officer in command of troops shall appoint them for the trial of lieutenants, agreeably to the rules established by Congress. It shall be the duty of every officer who shall appoint a court martial to approve or disapprove its sentence, and at the time of such appointment he shall appoint a Judge Advocate, whose duty it shall be impartially to state the evidence for and against the party on trial, and to take accurate minutes of such evidence and all the proceedings of the court, all of which, together with the judgment of the court, he shall transmit, under seal, to the officer whose duty it is to approve or disapprove such judgment. Every officer put under arrest, or suspended from command, shall have a copy of the charges exhibited against him ten days before the sitting of the court; and in case any officer, for the trial of whom a court martial shall be ordered, shall neglect to appear and make his defense, he shall be deemed by the court guilty of the charges, and sentenced accordingly, unless he was prevented by sickness or unavoidable accident, which shall be made appear to the satisfaction of the court. The officer ordering a court martial shall in such order state the time at which it shall convene, and in cases where a vote

OF THE PUBLIC ARMS AND DEFENSE.

is required for decision the youngest member in commission shall vote first. All persons shall be held to appear and give evidence before such courts, under the same penalties as witnesses summoned by a justice of the peace. If any subaltern or private shall omit to serve on a court martial, when duly notified, he shall be fined, if a subaltern, four dollars, and if a private two dollars, unless excused by the commanding officer of the company.

Witnesses.

Neglect to serve.

Fines.

SECTION 24. All courts martial for the trial of non-commissioned officers and privates, shall be appointed by the captain or commanding officer of the company, and shall consist of one subaltern and four privates, the subaltern to be the president; and at such courts martial no person shall be excused, unless it be made to appear satisfactorily to the court, by the testimony of a credible witness, that he was prevented by sickness of himself, or family, or such other unavoidable circumstance as demanded his personal attention.

Courts for non-commissioned officers, &c.

Organization.

SECTION 25. Each member of a court martial shall, before he proceeds to his duty, take an oath or affirmation that he will faithfully and impartially perform the duties of a member of the said court martial; which oath may be administered by any commissioned officer, or by the president of the court.

Oaths.

SECTION 26. That all officers known as commissioned officers, elected and appointed under the authority of this chapter, shall, before entering upon the duties of their several offices, take and subscribe an oath to faithfully perform the duties of their respective offices in the following form, viz :

Commissioned officers to be sworn.

STATE OF DELAWARE,
_____ County, ss.

I, _____, _____ of _____, do solemnly swear to support the Constitution of the United States, and the Constitution and Laws of the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the lawful orders of any superior officers, according to the laws of the State of Delaware.

Form of oath.

Sworn and subscribed before me this _____ day of _____, 18—.

OF THE PUBLIC ARMS AND DEFENSE.

By whom
admin-
istered.

Filed with
Secretary of
State.

Enlisted
men to be
sworn.

Form of
oath.

This oath may be administered by any officer of this State now authorized by law to administer oaths, or by any general or field officer who may have previously sworn and subscribed to the same. A copy of the said oath shall be filed with the Secretary of State.

SECTION 27. That all persons enlisting in the militia service of the State of Delaware shall enlist for the term of three years, and shall immediately upon such enlistment take and subscribe an oath in the following form, viz :

STATE OF DELAWARE,
_____ County, ss.

I, _____, of the county of _____ and State of _____ do hereby acknowledge to have voluntarily enlisted [or re-enlisted] this _____ day _____, 18—, as a soldier in the volunteer militia of the State of Delaware, for the period of three years, unless sooner discharged by the proper authority, and do also agree to accept from the State of Delaware such bounty, pay, rations and clothing as are or may be prescribed by law, and I, _____, do solemnly swear [or affirm] that I will bear true faith and allegiance to the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the orders of the officers appointed over me according to the laws of the State of Delaware.

_____ [SEAL]

Sworn and subscribed before me this _____ day of _____, 18—.

By whom
admin-
istered.

Discharges.

This oath may be administered by any officer of this State authorized to administer oaths, or by any commissioned officer in the military service of the State of Delaware.

SECTION 28. The commanding officer of the regiment shall have power, upon the recommendation of company commanders, or when satisfactory reasons are given, to grant an honorable discharge to any enlisted man whose term of enlistment may not have expired, and he shall also issue to all enlisted men having faithfully served their term of enlistment an honorable discharge, under his hand, from the service of the State. No dishonorable discharge shall be given except upon sentence by a court martial.

TITLE FOURTH.

Of Elections.

CHAPTER 26.

GENERAL PROVISIONS RESPECTING ELECTIONS.

AN ACT to amend Section 1, Chapter 16, Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 1st, Chapter 16 of the Revised Statutes of the State of Delaware, be and the same is hereby amended by striking out all of said section after the word "hundreds," in second line of said section, and inserting in lieu thereof the words "wards, precincts or election districts, in which they shall respectively have resided at least fifteen days immediately prior to the time of voting, and not elsewhere."

Section 1,
Chapter 16,
Revised
Code,
amended.

Passed at Dover, February 13, 1883.

CHAPTER 27.

GENERAL PROVISIONS RESPECTING ELECTIONS.

AN ACT to amend Section 12 of Chapter 16 of the Revised Statutes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows :

SECTION 1. That Section 12 of Chapter 16 of the Revised Statutes be and the same is hereby amended, by adding, at the end of said section, the following words, viz :

Section 12 of
Chapter 16,
Revised
Code,
amended.

GENERAL PROVISIONS RESPECTING ELECTIONS.

Accepting
bribe misde-
meanor. And if any person shall accept or receive any thing so
given, offered or promised as above, with the intent, purpose
and object in this section specified, such persons shall also be
deemed guilty of a misdemeanor, and upon conviction thereof
Forfeiture. shall, for the period of four years from such conviction, forfeit
all the rights and privileges of an elector, and in case of a
second or any subsequent conviction, for a like offense, shall
forfeit all the rights and privileges of an elector for the period
of eight years from the date of any such conviction, and
shall also, during the period of such disfranchisement, be
incompetent to serve as a juror. *Provided*, however, that
Proviso. when any person, a party to such prohibited transactions,
shall inform against the other party thereto, and shall give
Indictable. Informer not
evidence against such other party upon a trial, the person so
testifying shall not be indicted for that offense.

Passed at Dover, March 7, 1883.

CHAPTER 28.

GENERAL PROVISIONS RESPECTING ELECTIONS.

AN ACT to amend an act entitled "An act to provide a Uniform Ballot for Election Purposes," passed at Dover, April 8th, 1881.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1 of
Chapter 328,
Volume 16,
amended. **SECTION 1.** That Section one of Chapter 328 of Volume
16 of the Laws of Delaware, entitled "An act to provide a
uniform ballot for election purposes," be and the same is
hereby amended by striking out the words "six inches long
and three inches wide," where the same occur in the 6th and
7th lines of said section, and inserting in lieu thereof the
Dimensions
of ballots. words "not less than six inches nor more than six and one-
quarter inches long, and not less than three nor more than
three and one-quarter inches wide."

Proviso. Further amend said Section 1 by inserting between the
word "counted" and the word "and," in the 39th line
thereof, the words following: "*and provided further*, that
no spot, mark, defect, or blemish in said paper, made or
caused in and by the manufacturing thereof, or in the print-

GENERAL PROVISIONS RESPECTING ELECTIONS.

ing of said ballots, with no intent to violate the provisions of this act, shall in any way affect or destroy the validity of said ballot or cause it to be rejected."

Further amend said section by inserting between the word "substituting" and the word "another," in the 43d line of said section, the words "or not substituting."

Ballots not
invalidated
by unintentional
defects in
paper and
printing.
Further
proviso.

Passed at Dover, April 13, 1883.

CHAPTER 29.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

AN ACT in relation to the Election of Assessors and Inspectors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That hereafter the election of assessors for the several hundreds in the respective counties of this State, and assessors for the assessment districts in Wilmington hundred, and the election of inspectors of the several hundreds and election districts in this State, shall be held by ballot biennially in the hundreds and election districts aforesaid, on the Tuesday next after the first Monday in November, at the same time and in the same places as are now by law appointed for holding the general election, and the said assessors and inspectors shall be voted for upon the same ballots voted for other officers elected at the general election aforesaid.

Time and
place of
holding gen-
eral elec-
tions.

SECTION 2. Immediately upon closing the election aforesaid and ascertaining the state of the vote, the inspector and judges of the election in the several hundreds aforesaid, shall make and sign four certificates of the persons elected as assessor and inspector for said hundred, and shall cause the same to be transmitted without delay, to wit: one to the assessor elected, one to the inspector elected, one to the Clerk of the Peace of the county, to be laid before the Levy Court, and one to the Sheriff of the county. Said certificates shall be of the following form, viz:

Certificates
of election.

To whom
delivered.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

Form.

—— COUNTY, SS.

At an election held in —— hundred, on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and ——, —— was duly elected Assessor, and —— was duly elected Inspector.

In testimony whereof we, the judges of said election, who were in due manner sworn or affirmed before opening said election, have hereunto set our hands the day and year aforesaid.

Counting of votes.

Tie.

The person having the highest number of votes for said offices, respectively, shall be chosen; but if two or more persons shall have an equal and at the same time the highest number of votes for either of said offices the inspector shall give an additional casting vote.

Division of hundred into several districts.

Form of certificate.

SECTION 3. If the hundred in which said election is held is divided into two or more election districts, the inspector and judges of the election in each of said districts shall make and sign certificates according to Section 2 of this act, varying from the form therein prescribed for that purpose, by omitting the assessor, and in lieu of including the election of assessor in such certificate they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor.

Meeting of inspectors and judges.

Time.

Ascertainment of votes.

Tie.

Not applicable to Wilmington hundred.

SECTION 4. The inspector and judges of each election district, where said hundred is divided into two or more election districts, shall assemble on the day next succeeding said general election, at 12 o'clock, M., at the place of voting in said hundred as now by law required for the place of assembling of the presiding officers and judges of the election heretofore held on the first Tuesday of October respectively, and shall ascertain the aggregate number of votes given in all the districts of said hundred for each person voted for for assessor. The candidate having the highest number of votes shall be declared duly elected assessor. If two candidates for said office shall have the highest and an equal number of votes, an additional casting vote shall be given by the inspector of that election district in said hundred as now by law given to the presiding officer of said district of the election heretofore held on the first Tuesday in October for the election of assessors and inspectors. *Provided, however,* that the provisions of this section shall not apply to Wilmington hundred.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

SECTION 5. The inspectors and judges of the several election districts of Wilmington hundred, immediately after making the certificates required by Section 3 of this act, shall assemble in the City Hall, and the inspectors and judges of the election districts comprised within the first assessment district as laid out and established by the act entitled "An act providing for the election of three assessors for Wilmington hundred," passed April 6, 1883, shall ascertain the number of votes given for assessor in the said election districts so comprised as aforesaid; and the candidate having the highest number of votes shall be declared assessor of the said first assessment district. And the said inspectors and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed by this act for certifying the election of the assessors of the several hundreds; and the inspectors and judges of the election districts comprised within the second assessment district as laid out and established by the act aforesaid, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared elected assessor of the second assessment district, and the inspectors and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed as aforesaid; and the inspectors and judges of the election districts comprised within the third assessment district as laid out and established by the act aforesaid, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared assessor of the said third assessment district; and the inspectors and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed as aforesaid. If two candidates for the office of either of the assessment districts aforesaid shall receive the highest and at the same time an equal number of votes, the inspectors of the election districts comprised within the assessment district in which the same shall happen shall agree upon and give a casting vote.

Meeting of
inspectors
and judges.
Time.

First assess-
ment dis-
trict.

Counting of
votes.

Certificates
of election.

Second
assessment
district.

Third
assessment
district.

Tie.

Inspectors
of the dis-
tricts duty.

SECTION 6. The duties of the assessors and inspectors elected under the provisions of this act shall be the same as those prescribed by law for the assessors and inspectors heretofore elected on the first Tuesday of October, and all laws applicable to assessors and inspectors heretofore elected under the provisions of Chapters 17 and 19 of the Revised Statutes

Duties of
assessors
and inspec-
tors.

Present laws
applicable
when not in-
consistent
with this act.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

of this State, and not inconsistent with this act, shall apply to assessors and inspectors of the several hundreds and assessment districts hereafter to be elected under the provisions of this act.

Inspectors
at last gen-
eral election.

Vacancies.

Levy Court
may appoint

Special
meeting of
Levy Court.

Meeting of
Levy Court.
When.
Object.

Instructions
to assessors.

SECTION 7. For the purpose of carrying into effect the object and purposes of this act, the inspectors at the last general election in the several hundreds and election districts in this State shall be the inspectors in said several hundreds and election districts at the general or any special election to be held next succeeding the passage of this act; and in case of any vacancy among said inspectors by death, resignation, removal out of the hundred or election district, refusal to serve, or otherwise, or in case of any such vacancy among the inspectors to be hereafter elected as aforesaid, the Levy Court of the county in which such vacancy shall happen shall appoint some qualified voter of such district or hundred to be the inspector thereof, who shall have all the powers and perform all the duties given to and imposed upon inspectors of said election; and in case of such vacancy, it shall be the duty of the chairman of the Levy Court in the respective counties for the time being, and he is hereby authorized to call a special meeting of said Levy Court for the purpose of filling said vacancy; but if, from any cause, such vacancy exists at the time of holding said general election the provisions of Section 10, Chapter 18 of the Revised Code, 1874, shall apply as heretofore.

SECTION 8. The Levy Court of each county shall meet at the Court House in said county on the Tuesday next after the general election for the purpose of qualifying said assessors hereafter to be elected under this act, and giving to them the instructions and performing such other duties as are prescribed by the provisions of Section 8, Chapter 8 of the Revised Code, entitled "Of the Levy Court;" and the said Levy Courts may, in case of necessity, appoint another day or other days for the appearance of the assessors, or any of them, to take their official oath and receive the instructions aforesaid.

SECTION 9. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 13, 1883.

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

CHAPTER 30.

OF THE ELECTION OF ASSESSORS.

AN ACT providing for the Election of three Assessors for Wilmington Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That for the purpose of a more convenient ^{Three} assessment of persons and property in Wilmington hundred ^{assessment} ^{districts.} of the County of New Castle, the said hundred shall be divided into three assessment districts, as follows:

All the portion of said hundred comprised within the limits ^{Boundaries.} of the First, Second, Fourth and Eighth Wards of the City of Wilmington, as now laid out and established by law, shall be the first assessment district of the said hundred; and all that portion of the said hundred comprised within the limits of the Third, Fifth, Tenth and Eleventh Wards of the said city, as now laid out and established by law, shall be the second assessment district; and all that portion of the said hundred comprised within the limits of the Sixth, Seventh and Ninth Wards of the said city, as now laid out and established by law, shall be the third assessment district.

SECTION 2. That an election for the purpose of choosing ^{Elections.} an assessor for each of the said assessment districts shall be held at the time and in the manner prescribed by Chapter 17 ^{When held.} of the Revised Statutes of this State, pursuant to the laws now in force as to the election of county officers in the City of Wilmington.

SECTION 3. That every citizen qualified to vote for in- ^{Qualifica-} ^{tion of voters} spector of an election district in the said hundred of Wilmington may vote for an assessor of the assessment district within which such election district is comprised, and no person shall be elected assessor under the provisions of this ^{Qualifica-} ^{tion of} ^{assessor.} act who shall not at the time of the election be a freeholder within Wilmington hundred and a resident in the assessment district for which he shall be elected.

SECTION 4. Immediately after making the certificate re- ^{Meeting of} ^{officers.} quired by Section 8 of Chapter 19 of the Revised Statutes of

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

When and
where.Ascertain-
ment of
vote.

Certificates.

Tie.

Duties of
Assessors.

this State, the presiding officers and judges of the several election districts of the said hundred shall assemble in the City Hall, and the presiding officers and judges of the election districts comprised within the first assessment district aforesaid, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the said election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared assessor of the said first assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed by law for certifying the election of the assessors of the several hundreds. And the presiding officers and judges of the election districts comprised within the second assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the said second assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid. And the presiding officers and judges of the election districts comprised within the third assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the said third assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid. If two candidates for the office of assessor of either of the assessment districts hereby laid out and established shall receive the highest and at the same time an equal number of votes, the presiding officers of the election districts comprised within the assessment district in which the same shall happen shall agree upon and give a casting vote.

SECTION 5. The duties of the assessors elected under the provisions of this act shall, within the assessment districts hereby established, be the same as those prescribed by law for the assessors of the several hundreds, and all laws applicable to assessors elected under the provisions of Chapters 17 and 19 of the Revised Statutes of this State and not incon-

OF THE ELECTION OF ASSESSORS AND INSPECTORS.

sistent with this act, shall apply to assessors of the assessment districts hereby established.

SECTION 6. That the assessors of the first and second assessment districts of said hundred now in office shall be assigned to such of the districts hereby created as the Levy Court of New Castle county shall, by resolution, determine; and after such assignment shall be the assessors of such districts respectively, to all intents and purposes, and perform all the duties of assessors in the same now prescribed by law for the assessors of the several hundreds, and hold their said offices subject to the laws now regulating the same, and until the terms for which they were elected shall expire by law. And the said Levy Court shall also appoint an additional assessor for the remaining districts hereby created, who shall hold office until the next election of assessor under the law and the provisions of this act; who shall, by virtue of such appointment, be clothed with all the powers and subject to all the duties of an assessor within the said district now prescribed by law, as fully as if he had been elected under the provisions of this act.

Assessors
assigned by
Levy Court.

Additional
assessor to
be appointed

SECTION 7. That the said Levy Court shall assign each of the assessors now elected to one of the districts created under the provisions of this act on the first Tuesday in May of the present year, and at the same time shall appoint the additional assessor for the remaining districts. Each of said assessors shall appear before said Levy Court on the third Tuesday in said month, and on any other day the said court may require, to be qualified, and also to be instructed in their duties as such assessors, and shall immediately thereafter enter upon their duties under the provisions of this act.

Assigned
first Tues-
day in May
of the pres-
ent year.

Assessors to
appear be-
fore Levy
Court third
Tuesday of
May, to be
qualified.

SECTION 8. That upon such qualifications, each of said assessors shall make a general assessment of all the real and personal property in his district liable to taxation, and shall also assess the poll rate of every freeman of the age of twenty-one years and upwards. Each assessor shall complete the assessment for his district by the first day of January next, and such assessment shall be posted, corrected, and returned to the Levy Court, as now provided by law; and all the laws now in force relating to general assessments shall apply to the assessment to be made under this act, save such as may be inconsistent herewith. The assessments made under this act, however, shall stand and be acted on until

Duty of As-
sessors.

Assessment
in force till
general as-
sessment.

OF THE GENERAL ELECTION.

the next general assessment, as now provided by the statutes of this State.

SECTION 9. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Passed at Dover, April 6, 1883.

CHAPTER 31.

OF THE GENERAL ELECTION.

AN ACT in relation to the Election of Road Commissioners in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Election of
road com-
missioners.

Term of
present com-
missioners.

Certificates.

To whom
transmitted.

SECTION 1. The qualified voters of the several hundreds in New Castle county shall, biennially, at the general election held on the Tuesday next after the first Monday in November, elect the road commissioners for said hundreds, according to the rotation now established. All of said commissioners, whose terms of office would otherwise have expired before the time of holding the general election next after the passage of this act, shall continue to hold office until the time of holding the same.

SECTION 2. Immediately upon closing the election aforesaid in the several hundreds, and ascertaining the state of the vote, the inspector and judges of the election in said hundred, unless said hundred is divided into two or more election districts, shall make and sign certificates of the person or persons elected road commissioner or commissioners, as the case may be, and shall cause the same to be transmitted without delay, to wit: One to each of the road commissioners elected, and one to the Clerk of the Peace of the county, to be filed in his office. Said certificates shall be of the following form, viz:

OF THE GENERAL ELECTION.

NEW CASTLE COUNTY, SS.

At the general election held in ——— hundred on the Tuesday next after the first Monday in the year of our Lord one thousand eight hundred and ———, ——— was duly elected road commissioner for said hundred.

In testimony whereof we, the judges of said election for said hundred, have hereunto set our hands the day and year aforesaid.

SECTION 3. If the said hundred in which said election is held is divided into two or more election districts, the inspector and judges in each of said election districts shall make and sign a certificate of the number of votes given for each person voted for as road commissioner. The inspectors and judges of each of the election districts of said hundred shall assemble on the day next succeeding said election, at the same time and in the same places of voting as now by law required for the meeting of presiding officers and judges of the election heretofore held on the first Tuesday in October, and ascertain the aggregate number of votes given in said election districts for each person voted for for road commissioner, and the person or persons, according as there may be one or more elected, having the highest number of votes for road commissioner or commissioners shall be declared duly elected road commissioner or road commissioners; and the said inspectors and judges of said election districts in said hundred shall make, sign and transmit certificates of said election, as provided in Section 2 of this act. If two candidates for said office of road commissioner or commissioners shall have the highest and an equal number of votes, a casting vote shall be given by the presiding officer of said election, or, in case said hundred is divided into two or more election districts, by the presiding officer of the election district of said hundred, as directed by the several acts of the General Assembly dividing the several hundreds into two or more election districts, which casting vote so given shall elect the candidate in whose favor it is given.

Passed at Dover, April 10, 1883.

Form.

Certificates
when hun-
dred is
divided.

Meeting.

When and
where.Ascertain-
ment of voteCertificate.
Tie.

OF THE GENERAL ELECTION.

CHAPTER 32.

OF THE GENERAL ELECTION.

AN ACT to amend Section 21 of Chapter 18 of the Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met:

Section 21,
Chapter 18,
Revised
Code
amended.

SECTION 1. That Section 21 of Chapter 18 of the Revised Statutes of the State of Delaware, as republished in 1874, be and the same is hereby amended by striking out the word "five," in the first line of said section, and inserting in lieu thereof the word "six."

Passed at Dover, April 18, 1883.

CHAPTER 33.

OF CONTESTED ELECTIONS.

AN ACT in relation to Contested Elections other than for Members of the General Assembly and Governor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Who may
contest.

Causes.

SECTION 1. Any person claiming to be elected to an office to be exercised in and for any county or hundred may contest the right of any person declared to be duly elected to such office for any of the following causes, to wit: 1st. For malconduct on the part of the officers or judges holding the election, or any one of them; 2d. When the person whose right to the office is contested was not at the time of the election eligible to such office; 3d. When the person whose right is contested has given to any elector or inspector, judge or clerk of the election, any bribe or reward, or shall have offered any bribe or reward for the purpose of procuring his election; 4th. On account of illegal votes.

OF CONTESTED ELECTIONS.

SECTION 2. No inequality or improper conduct in the proceedings of the officers or judges aforesaid, or any one of them, shall be construed to amount to such mal-conduct as to annul or set aside any election, unless the inequality or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he has not received the highest number of legal votes cast at said election.

When irregularities shall not invalidate.

SECTION 3. When any election held for an office, exercised in and for a county, is contested for any mal-conduct on the part of the officers or judges of election, or any one of them, in any hundred or election district, the election shall not be annulled or set aside upon any proof thereof unless the rejection of the vote of such hundred or hundreds, election district or election districts, shall change the result as to such office in the remaining vote of the county.

Not void except in certain cases.

SECTION 4. Nothing in the fourth ground or cause of contest specified in the first section of this act shall be so construed as to authorize an election to be set aside or annulled on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

When set aside for illegal voting.

SECTION 5. In cases arising under the second and third causes of contest, specified in section one of this act, a proceeding may be instituted under this act against such person by the person who received the next highest number of votes for the office at the election under which such ineligible person was declared elected, notwithstanding the person so contesting the election does not claim to have been elected.

Proceeding in case of ineligibility of person elected.

SECTION 6. When any person authorized to do so under this act shall desire to contest the right of any person declared duly elected to such office, he shall, within twenty days after the result of the election shall have been officially ascertained by the board of canvass, or officers legally authorized to ascertain the same, file with the Prothonotary of the Superior Court of this State, in and for the county in which said contest is made, a written statement, setting forth specifically:

Written statement to be filed by contestant. What to contain.

OF CONTESTED ELECTIONS.

1st. The name of the person contesting such election; 2d. The name of the person whose right to the office is contested; 3d. The office; 4th. The particular cause or causes of such contest; which statement shall be verified by the affidavit of the contesting party, that the matters and things therein contained are true, as he verily believes, and that the said contest is made in good faith.

What
alleged in
case of ille-
gal voting.

Written
statement
opposite
party.
What to
contain.

SECTION 7. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were given to the person whose election is contested in the specified hundred or hundreds, election district or election districts, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office, but no testimony shall be received of any illegal votes unless the party contesting such election shall deliver to the opposite party, at least four days before the trial, a written list or statement: 1st. Of the number of illegal votes and the general character of their illegality; 2d. The hundred or hundreds, election district or districts in which said votes were cast; 3d. That he intends to prove, or endeavor to prove, the contents of said statement in the trial. And no testimony shall be received of any greater number of illegal votes than is specified in such list. The name or names of the alleged illegal voters need not be given in said list or statement.

No state-
ment reject-
ed for want
of proper
form.
Exception.

SECTION 8. No statement of the cause or causes of contest shall be rejected, nor the proceedings thereon dismissed for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceeding or cause for which the election is contested.

Duty of Pro-
thonotary.

Citation.

Notice.
How served.

SECTION 9. Before such statement being filed as aforesaid, it shall be the duty of the said Prothonotary to docket the said case in the Appearance Docket, as an issue to be tried at the next succeeding term of the Superior Court of said county, and immediately issue a citation for the person whose right to the office is contested, to appear on the first day of the next succeeding term of said court to make such defense as he may have in said case; which citation shall be delivered to the Sheriff, or if he be a party to the contest, to any constable of the county, and be served by him upon the party defendant in person, or, if he cannot be found, by leaving a

OF CONTESTED ELECTIONS.

copy thereof at the house where he last resided, at least five days before the day to which such citation is returnable. The original citation shall be returned to said Prothonotary on or before the first day of the next term of said court after it is issued, and the manner of service shall be endorsed thereon and signed by the officer serving the same. Return.

SECTION 10. The court may dismiss the proceedings if the statement of the cause or causes of contest do not conform to this act, or for want of prosecution. If said proceedings are not so dismissed, the case shall proceed upon its merits and be tried and determined by the court, by the rules of law and evidence governing the determination of questions of law and facts in the courts of law in this State, so far as the same are applicable. And the said cause shall be tried at the first term of said court next after the filing of the statement of the cause or causes of contest, unless the court, for some good cause shown by either party, and supported by affidavit, deem it necessary for the ends of justice to continue the same. The costs of the continuance may, in the discretion of the court, be taxed upon the party applying therefor. Court may dismiss.
When triable.

SECTION 11. The costs in all cases of contest under this act shall be awarded to the various parties entitled thereto, in the same manner, and as near as can be, to the same amount as for like services in other cases tried in said court. Costs.

SECTION 12. All cases of contest under this act shall be fully heard and determined by the court, without the aid or intervention of a jury, *unless* one or both of the parties to the contest shall claim a trial by jury, and the court shall, in their judgment, determine that it is a case which, under the constitution and laws of the State, the party or parties are entitled to a trial by jury. In such case a jury shall be empanelled and the cause proceed according to the rules and practice of the court in jury trials. Trial by Court.
Exception.
Jury.

SECTION 13. In the trial of any contested election under this act, the court shall have full authority to make an examination of the ballots given in such election, so far as the same may be necessary to arrive at a correct judgment, and may make and enforce by attachment all necessary orders to obtain possession of the same, and after hearing the allegations and proofs in the cause, shall render judgment (in accordance with the verdict of the jury, if a jury shall have Jurisdiction.

OF CONTESTED ELECTIONS.

tried said cause), either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested duly elected.

Election.

Prothonotary to certify to Governor.

Effect of judgment.

Writ for possession.

Fee.

SECTION 14. If it appear by the judgment of the court or the verdict of the jury (if there be a jury), that any other person than the one whose election is contested received the highest number of legal votes, judgment shall be rendered declaring such person duly elected; which judgment, if it be in relation to an officer entitled under the provisions of law of this State to a commission, must be certified by the Prothonotary of said court to the Governor, who must commission such person, and such judgment shall have the effect of depriving the person whose election is contested of all right or claim to such office, and of investing the person declared by such judgment duly elected with the right to the same, and the court shall order a writ of possession to issue for the same. Said writ shall be directed to the Sheriff, or if he be a party to the contest, to any constable of the county. The officer's fee for executing the said writ shall be the same as is now allowed for serving other writs of possession. •

When election is void.

Vacancies, how filled.

SECTION 15. When the person whose election is contested is proved to be ineligible to the office, judgment shall be rendered declaring the election void and the office vacant, and such proceedings shall then be had as in vacancies happening from any other cause. When it shall appear that two persons have received an equal number of legal votes for the same office, the provisions of law heretofore in force for the settlement of such cases shall prevail, if there be any such provision; if there be none, then the said office shall be adjudged and declared vacant, and such proceedings shall then be had as in vacancies happening from any other cause.

Execution for costs.

SECTION 16. Judgment for costs shall be rendered in all cases against the unsuccessful party to the contest, and execution may issue against him for the same.

Contestant to give security for costs.

SECTION 17. Any person contesting any election under the provisions of this act, shall be required to give security for costs in such amount and manner as the court shall order. Such security, however, shall in no case be enforced unless judgment for costs be rendered against the contestant.

Passed at Dover, March 14, 1883.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 34.

GENERAL PROVISIONS RESPECTING PUBLIC OFFICERS.

AN ACT to amend Section 9 of Chapter 24 of the Revised Statutes of the State of Delaware, entitled "General Provisions Respecting Public Officers."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 9 of Chapter 24 of the Revised Statutes of the State of Delaware, entitled "General provisions respecting Public Officers," be and the same hereby is amended by striking out the word "sixteen," in the seventh line of said section, and inserting in lieu thereof the word "fifty."

Section 9,
Chapter 24,
Revised
Code
amended.

Passed at Dover, January 16, 1883.

CHAPTER 35.

OF THE SECRETARY OF STATE.

AN ACT concerning Original Bills, Resolutions, Petitions, &c.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to have erected, in the room

Duties of
Secretary of
State.

OF THE STATE TREASURER AND TRUSTEE OF THE SCHOOL FUND.

Original bills, &c. of the Clerk of the House, such cases as, in his opinion, may be necessary and proper in which to file the original bills, resolutions, petitions, &c., which are now or may hereafter be therein. That he shall, so soon as the said cases are erected, assist and arrange, according to legislative session, the said bills, resolutions, petitions, &c., now in the said room, and properly label and file the same, keeping the Senate papers separate and distinct from those of the House. He shall deliver to the State Librarian all copies of original journals that may be now in the said room, to be by him placed in the State Library.

Papers.
How kept.

Original
journals.

Duties of
Clerks.

Custody of
original
journals.

Allowance
to Secretary.

SECTION 2. That hereafter the Secretary of the Senate and the Clerk of the House shall, at the end of each session of the General Assembly, deliver to the Secretary of State, for the time being, all the original bills, resolutions, petitions, &c., of the session just ended, to be by him labeled and filed as aforesaid; and it shall also be the duty of the said secretary and the said clerk, so soon as their respective journals have been published, to deliver the originals to the State Librarian, to be by him placed in the State Library.

SECTION 3. That the Legislative Committee, at its session in January, A. D. 1884, is hereby authorized to make to the Secretary of State such an allowance as it may seem just for the work herein authorized to be done, and to draw a draft on the State Treasurer to pay the same.

Passed at Dover, April 19, 1883.

CHAPTER 36.

OF THE STATE TREASURER AND TRUSTEE OF THE SCHOOL FUND.

AN ACT to amend Chapter 29 of the Revised Code, entitled "Of the State Treasurer and Trustee of the School Fund."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 3 of
Chapter 29
of Revised
Code
amended.

SECTION 1. That Chapter 29 of the Revised Code, entitled "Of the State Treasurer and Trustee of the School

OF THE AUDITOR OF ACCOUNTS.

Fund," be and the same is hereby amended by striking out the words "first and twentieth days of December" in lines two and three of Section 3 of said chapter, and substituting in lieu thereof the words "twentieth day of December and the first day of January."

Passed at Dover, April 4, 1883.

CHAPTER 37.

OF THE AUDITOR OF ACCOUNTS.

AN ACT to amend Chapter 30 of the Revised Code, entitled "Of the Auditor of Accounts."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 30 of the Revised Code, entitled "Of the Auditor of Accounts," be and the same is hereby amended by striking out the words "first and twentieth days of December" in the 4th line of Section 3 of said chapter, and substituting in lieu thereof the words "twentieth day of December and the first day of January."

Sections 3
and 9 of
Chapter 30
of Revised
Code
amended.

SECTION 2. That said chapter be and the same is hereby further amended by adding at the end of Section 9 thereof the following: "The Auditor shall cause six hundred copies of said report to be printed for the use of the General Assembly, which shall be done under his supervision, and he may retain fifty copies thereof for his own use."

Auditor's
report.

Passed at Dover, April 4, 1883.

OF SHERIFFS.

CHAPTER 38.

OF SHERIFFS.

AN ACT to amend Chapter 117, Volume 13, Laws of Delaware.

Section 9 of
Chapter 117,
Volume 13
amended.

Duties of
sheriff and
constable in
respect to
venders of
goods by
samples.
Fee for
arrest.
Proviso.

Sheriff or
other officer
accepting
bribe.

Misdemeanor.
Penalty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring):* That Section 9, Chapter 117, Volume 13, be amended by adding the following after the word "herewith" and before the word "every" in the fifteenth line of said section: "Any sheriff or constable performing the duties provided in this section shall be entitled to the sum of five dollars for every arrest of any person vending goods, wares and merchandise by samples or otherwise without license, to be collected from defendant with and as the other costs of proceedings are collected; *provided, however,* the person so arrested shall be found not to have had any license."

SECTION 2. Any sheriff or police officer, or constable who, having made an arrest under said section, shall accept or receive any money as a condition of releasing the person arrested without prosecution, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred (\$100) dollars, or imprisoned not exceeding twenty days, or both, in the discretion of the court.

Passed at Dover, March 29, 1883.

CHAPTER 39.

OF CONSTABLES.

AN ACT to amend Section 5, Chapter 34, Revised Statutes of the State of Delaware, entitled "Of Constables."

Section 5,
Chapter 34,
Revised
Code
amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: That Section 5 of Chapter 34 of the Revised Statutes be and the same is hereby amended by adding these words: "Nor shall this restriction apply to Red Lion Hundred, New Castle county."

Passed at Dover, February 9, 1883.

OF CONSTABLES.

CHAPTER 40.

OF CONSTABLES.

AN ACT allowing an additional Constable in Christiana Hundred, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Levy Court of New Castle County be and they are hereby authorized and required to appoint an additional constable in New Castle county, who shall reside in the town of Newport, in Christiana hundred, in said county. The office of constable hereby created shall continue until this act shall be repealed, and the appointment thereto shall be made and vacancies filled as provided by the laws and constitution of this State.

Authority to appoint an additional constable for Christiana hundred, New Castle county.

Passed at Dover, March 22, 1883.

CHAPTER 41.

OF CONSTABLES.

AN ACT creating an additional Constable for Sussex County, to reside in Broadkiln Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Governor be and he is hereby authorized and empowered to appoint an additional constable for Sussex county, to reside in Broadkiln hundred.

Additional constable for Sussex county

SECTION 2. That the constable so appointed shall hold his office from the date of his appointment till the convening of the Levy Court of said county in the month of March, 1884, at which time his successor shall be appointed by the said Levy Court, as is provided by the statute laws of this State.

Term of office.

Successor.

SECTION 3. That all laws or parts of laws inconsistent herewith are hereby repealed, made null and void.

Passed at Dover, April 10, 1883.

OF PROTHONOTARIES.

CHAPTER 42.

OF PROTHONOTARIES.

AN ACT requiring the issuing of a Scire Facias in a Mortgage to be noted on the record thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Upon the issuing of a scire facias upon a mortgage it shall be the duty of the Prothonotary of the Superior Court who issues the same to certify to the Recorder of Deeds of the county where such mortgage is recorded, within five days after the issuing of said writ, the names of the parties, plaintiff and defendant therein, together with the number of the writ and the term to which it may be returnable, and the said Recorder shall at once mark the same in brief upon the margin of the record of the said mortgage.

Prothonotary's duty in writs of Sci. Fa. on mortgages. Certificate. Deliver to Recorder.

Recorder shall enter on margin of record.

Fee taxed as costs.

SECTION 2. For the service rendered by the Prothonotary and Recorder under this act they [shall] each receive a fee of twenty-five cents, to be taxed as a part of the costs in the case and paid in the same manner.

Passed at Dover, February 28, 1883.

CHAPTER 43.

OF PROTHONOTARIES.

AN ACT authorizing the Prothonotary of New Castle County to make a certain Judgment Index.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Prothonotary of the Superior Court of the State of Delaware in and for the County of New Castle is hereby authorized and directed to make, or cause to be made, an index (pursuant to the Campbell's system of indexing,) of all unsatisfied judgments entered or signed in the Superior Court from the first day of November, A. D. eighteen hun-

Prothonotary authorized to make index of unsatisfied judgments.

OF PROTHONOTARIES.

dred and seventy-three (1873), and extending up to and including the judgment index now in use in said county.

SECTION 2. *And be it further enacted*, That if the Prothonotary of the Superior Court shall index said judgment index as aforesaid, then that John H. Rodney and Alexander B. Cooper, Esquires, be and they are hereby appointed commissioners, whose duty it shall be to examine said new judgment index and compare it with the original indexes and records after the said Prothonotary shall have completed it, and if they approve of the execution thereof they shall certify on the record the same to be a true and correct index; and that then and after such certificate the said index shall become and be the judgment index of the Superior Court of the State of Delaware in and for said county for the period aforesaid; and the said commissioners shall be allowed a reasonable compensation, by the Levy Court of said county, for their said services.

Commissioners to examine.

Approval and certification.

Compensation.

SECTION 3. *And be it further enacted*, That the said Prothonotary shall receive for his services in making said index, authorized by this act, a just and reasonable compensation, to be allowed by the Levy Court of New Castle county.

Compensation of Prothonotary.

Passed at Dover, March 20, 1883.

CHAPTER 44.

OF JUSTICES OF THE PEACE.

AN ACT to amend an act entitled "An act to enable the Governor to appoint an additional Justice of the Peace and Notary Public for Sussex County, to reside in Indian River Hundred," passed at Dover, March 13th, 1871.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring):

SECTION 1. That the act entitled "An act to enable the Governor to appoint an additional Justice of the Peace and Notary Public for Sussex county, to reside in Indian River hundred," passed at Dover, March 13th, 1871, be and the

Chapter 34, Volume 14, amended.

OF IMMIGRATION COMMISSIONERS.

same is hereby amended by inserting, between the word "Railroad" in 5th line of Sec. 1 of said act and the word "also" in 6th line of Sec. 1 of said act, the following: "and may hold his office at Harbeson Station."

Passed at Dover, April 11, 1883.

CHAPTER 45.

OF IMMIGRATION COMMISSIONERS.

AN ACT for the Encouragement of Immigration, and to Foster the Agricultural Interests of the State.

Preamble.

WHEREAS the agricultural interests of this State are regarded by this General Assembly as of primary importance; and whereas it is manifest that in order to the development of our uncultivated lands and the fixed and permanent establishment of a population corresponding with the capacity of our sparsely-populated territory; and whereas the agricultural interests of Delaware demand an increase of labor to furnish increased facilities to plant and harvest the various crops grown, it is eminently expedient for us at this time to invite the population of other States, both American and European, to fix their homes and invest their capital with us; and whereas it is necessary, in order to this end, that the inhabitants of distant countries shall be particularly advised and informed of our form of government, and of the numerous advantages of climate, soil and productions which are here offered to foreigners seeking settlement in other countries; and whereas many active and efficient agencies exist capable of giving a wide distribution to such authentic publication as the State may make of her many advantages and inducements to settlers from foreign States and States of the Union; now therefore, the more effectually to diffuse the information aforesaid, for the purposes aforesaid and for the objects of this act,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That within thirty days after the passage of this act (and biennially thereafter on the second Tuesday of

OF IMMIGRATION COMMISSIONERS.

December), the Governor shall appoint three suitable persons, one from each county, residents of this State, of good moral character, and well qualified for the place, as a Board of Immigration of the State of Delaware, who shall hold the said positions (for the term of two years), unless removed by the Governor for sufficient cause. The Governor shall have power to fill any vacancies caused by death, resignation, or otherwise.

Governor shall appoint three commissioners.

Term, two years.

Vacancies. How filled.

SECTION 2. The said commissioners shall receive no compensation for their services, but may reimburse themselves their necessary expenses out of the funds hereinafter provided for to be expended by them; *provided* that the warrants for expenses incurred by the provisions of this act are drawn by the Governor, who shall also be *ex-officio* member of said board.

No compensation.

Allowance for expenses. Proviso.

Warrant drawn by Governor.

SECTION 3. The duties of said commissioners shall be:

Duties of commissioners.

First. To use all proper means to induce immigration into this State, and for this purpose they are hereby authorized to and may advertise in one or more papers or magazines published in Europe and elsewhere, as they may deem best; *provided* that they shall at all times exercise due care to prevent the bringing into the State any person or persons who might endanger the public morals, health, or peace, or good order of its citizens;

Means of inducing immigration.

Should prevent the introduction of improper persons.

Second. To prepare and publish pamphlets, with maps of the State and counties, essays and articles correctly describing the developed and undeveloped agricultural interests of the State, with information as to the general adaptation of the soil of the different counties for the various products, and such other local information as may be of interest to immigrants;

Publishing pamphlets, with maps descriptive of country.

Third. To employ such means as may be at their disposal to properly represent the advantages of schools, climate, soil, diversity of crops grown, and facilities of communicating, offered by Delaware to persons desiring to secure homes;

Schools, climate, soil, etc.

Fourth. To contract with and appoint an agent or agents in Europe and elsewhere, and by such other methods as their judgment may direct, invite and encourage immigration to this State;

To contract with agents in Europe and elsewhere.

Fifth. To make contracts with railroads, steamboat lines and other transportation companies, securing a low rate of

With transportation lines.

OF IMMIGRATION COMMISSIONERS.

fare to emigrants, and to make necessary preparations for their reception and temporary accommodation;

Local agricultural societies.
To obtain foreign labor

No expense to the State.

Sixth. To encourage the formation of, and when requested, advise as to the best measures of establishing local agricultural societies for the procuring of foreign labor, and, as far as in their power, supply the wants of such societies, without partiality or favoritism, when made through their proper officers; *provided always* that no expense is incurred by the State.

Commissioners prohibited from receiving any compensation except as allowed by this act. Proviso.

SECTION 4. It shall not be lawful, under penalty of forfeiture of commission, for said commissioners to receive any commission or any compensation, directly or indirectly, for the performance of the duties hereinbefore enumerated other than that allowed under the provisions of this act; *provided always* that said commissioners are not hereby prohibited from inviting the co-operation of transportation companies in furtherance of the purposes of this act, and accepting such courtesies and facilities as they may tender them.

Annual settlement with Auditor. Report to Governor.

SECTION 5. That said commissioners shall, annually, on or before the second Tuesday of December, settle with the State Auditor and make a full report to the Governor, to be by him laid before the Legislature at its biennial sessions.

Annual appropriation.

Auditor to issue warrant on State Treasurer.

SECTION 6. That the sum of three thousand dollars annually is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act; and the Auditor is hereby directed, at the discretion of the Governor, to issue his warrant on the State Treasurer for the sum hereby appropriated, or so much thereof as shall be necessary, from time to time.

In force two years.

SECTION 7. That this act shall remain in force for two years, and no longer.

Passed at Dover, April 10, 1883.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 46.

OF RELIGIOUS SOCIETIES.

AN ACT to amend an act entitled "A Supplement to an act to incorporate the Rehoboth Beach Camp Meeting Association of the Methodist Episcopal Church," passed at Dover, January 27, 1873, and which said supplement was passed at Dover, March 22, 1877.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

SECTION 1. That Section 1 of said supplement be and the same is hereby amended by striking out the words "Camp Meeting," in the third line thereof, and the words "of the Methodist Episcopal Church" in the fourth line thereof.

Chapter 392,
Volume 14,
Chapter 355,
Volume 15,
amended.

SECTION 2. That Section 1 of said supplement be and the same is hereby amended by striking out the words "Board of Directors," in the ninth line thereof, and insert in lieu thereof the words "Treasurer of said association."

SECTION 3. That said treasurer shall, in case of the sale of any lands and tenements made by him for the collection of any assessment or tax, make return of such sale to the next term of the Superior Court at Georgetown, and said court may inquire into the circumstances, and either approve or set it aside. If it be approved, the president shall make a deed to the purchaser, which shall convey the title of the taxable. If it be set aside, the court may order another sale, and so on until the tax be collected. If it be made appear to the court that a sale of part of the premises cannot be made, a sale of the whole may be ordered, and such disposal of the

Treasurer to
make return
of sale to
Superior
Court.
Jurisdiction
of Court.

Deed,
Resale.

Proceeds.

OF FREE SCHOOLS.

surplus proceeds of said sale shall be made as may be deemed just; and that the provisions of this section shall extend to all sales of lots heretofore made by the said association; *provided* said sales be returned to the Superior Court in and for Sussex county as aforesaid within one year from the passage of this act.

Proviso.
Return of
sale. When.

No deed
made within
two years.

Redemption

Amount.

Evidence of
demand of
taxes.

SECTION 4. That no sale shall be approved if the owner be ready at court to pay the taxes and costs, and no deed shall be made until the expiration of two years from the time of sale, within which time the owner, his heirs, executors or administrators shall have power to redeem the land on payment to the purchaser, his heirs or assigns, the amount of the purchase money and twenty per cent. interest. The treasurer's oath shall in all cases be competent to prove a demand of taxes; a demand upon a non-resident may be lawfully made through the post office and addressed to him at his usual place of abode.

Passed at Dover, April 18, 1883.

CHAPTER 47.

OF FREE SCHOOLS.

AN ACT to appropriate Money for Free Schools in this State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$25,000 an-
nual appro-
priation.

How divided

Division
among dis-
tricts.

SECTION 1. That the sum of twenty-five thousand dollars be and the same is hereby appropriated annually out of any funds in the Treasury for the free schools in this State, and that the sum so appropriated be divided between the counties as follows: to New Castle county, ten thousand dollars; to Kent county, seven thousand five hundred dollars, and to Sussex county, seven thousand five hundred dollars. The amounts appropriated to Sussex and Kent counties by this act shall be respectively divided in each county equally among the school districts, including any new districts made by the Legislature or Levy Court before the passage of this

OF FREE SCHOOLS.

act. The amount appropriated for New Castle county by this act shall be divided among the school districts in proportion to the number of children enrolled in the schools thereof; *provided* that new districts shall share pro rata upon the basis of the number reported to the Levy Courts at the time they are created.

How divided
in New Castle
county.

Proviso.

SECTION 2. That no district in Sussex county shall receive any appropriation from the State until it has raised, by tax, the sum of seventy-five dollars.

District in
Sussex must
raise \$75.

SECTION 3. That no part of the moneys received by the school committees in the several districts of this State, either from the amount required to be raised by taxation without regard to a vote thereon, or from the income of the present school fund of the State, or from the annual appropriation directed to be made by the provisions of Section 1 of this act, shall be used or expended in the construction, alteration, or repair of any school houses or other buildings for school purposes, or for the procuring of the furniture therefor; but all the said several sums of money shall be used, expended and applied by the said several school committees as aforesaid solely for defraying the expenses of maintenance of the free schools in the school districts in the State.

No part of
appropriation
to be used for
school buildings,
etc.

SECTION 4. That Chapter 369 of Volume 16, Laws of Delaware, be and the same is hereby amended by striking out the words "eight hundred" in line four of Section 4 of said chapter, and insert in lieu thereof the words "one thousand."

Section 4,
Chapter 369,
Volume 16,
amended.
Salary of Assistant
Superintendent

SECTION 5. The State Superintendent of Free Schools shall distribute the school books used in the public schools of the State at the price at which they were purchased, as prescribed by Section 5, Chapter 369, Volume 16 of the Laws of Delaware, in at least ten places in each of the several counties of the State as he may select, and it shall be the duty of the persons receiving the same to distribute the same to the scholars, or their parents, guardian, or other person, as they may desire, upon the receipt of the price for the same, with the addition of five per centum on the price of each book so sold, which shall be forwarded by the person or persons receiving the same to the State Superintendent within thirty days thereafter, less the five per centum as aforesaid, which they shall retain in payment for their cost and

Distribution
of school
books.

How.

Prices.

OF FREE SCHOOLS.

Safe keeping of books. trouble. The persons receiving the books as aforesaid shall be responsible for the safe keeping of the same, and also for the price of the books sold. They shall, at the end of each month, make a report to the State Superintendent, showing the sales, to whom made, and the moneys collected. Any money or the value of the books which such person may fail to account for according to law may be recovered, in the name of the State by the State Superintendent, before a justice of the peace, as other debts are recoverable when the amount does not exceed one hundred dollars. The State Superintendent shall furnish all the schools with a price list, with the five per centum added as aforesaid, of the school books used in the State, together with a statement with whom and the places where the same are deposited. He shall also pay over to the State Treasurer, quarterly, the money received for the sales of books as aforesaid, and also at the same time furnish the State Treasurer with a list of the school books and their respective prices supplied and distributed to the persons for sale as aforesaid.

Proceeds of sale of books Monthly reports.

Remedy for default.

State Superintendent to furnish price list, etc.

Quarterly Payments to State Treasurer.

List of books

Annual examination of teachers. SECTION 6. That, in addition to the examination and certificates of persons who propose to teach in this State, as prescribed by Chapter 50, Volume 15 of the Laws of Delaware, and the amendments thereto, there shall also be an annual examination, under the supervision of the State Board of Education, of all persons who may apply to the same for that purpose. Every applicant who is of good moral character, and who shall be found qualified to receive a first grade certificate, as provided by the provisions of Chapter 45, Volume 16 of the Laws of this State, and who shall also have had ten years experience in teaching schools, shall receive a certificate thereof under the hand of the State Board of Education, which certificate, so issued, shall be good for and during the life of the person so receiving the same; *provided, however*, that the said certificate may be revoked at any time by the said State Board of Education for good and sufficient cause.

Supervision of State Board.

Qualification.

Life certificate.

Proviso.

SECTION 7. That all acts and parts of acts inconsistent with or contrary to the provisions of this act be and the same are hereby repealed, made null and void.

Duty of Superintendent SECTION 8. It shall be the duty of Superintendent of Free Schools to ascertain the amount due to each school district or consolidation of districts in the State under the

OF FREE SCHOOLS.

provisions of this act, and to furnish a schedule thereof to the State Treasurer on or before the first day of June in each and every year. The amounts hereby appropriated and so ascertained shall be paid by the State Treasurer, in the proportions provided in Section 1, to the order of the school commissioners of the respective districts, or of the boards of education of consolidated school districts, when demanded by them after the ascertainment so made.

Furnish
schedules to
State Treas-
urer an-
nually.

Payments
by State
Treasurer to
school com-
missioners.

Passed at Dover, April 19, 1883.

CHAPTER 48.

OF FREE SCHOOLS.

AN ACT for the Maintenance of Colored Schools in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the sum of five thousand dollars be and the same is hereby appropriated annually, from the State Treasury, to be expended for the purpose of educating the colored children of this State.

\$5,000 an-
nual appro-
priation for
colored
schools.

SECTION 2. That the said sum of five thousand dollars shall be divided into three equal parts; one of said parts to be expended in New Castle County, one in Kent County, and one in Sussex County, and each sum, so divided as aforesaid, shall be paid by the State Treasurer to the County Treasurer of each county respectively, on or before the first day of October in each and every year, beginning with the year one thousand eight hundred and eighty-three.

How divided

Payment to
County
Treasurer.
When.

SECTION 3. All moneys collected under the act entitled "An act to tax colored persons for the support of their own schools," passed March 24, 1875, as amended by an act entitled "A supplement to the act entitled 'An act to encourage the education of the colored people,' passed April 8, 1881," shall be paid as other taxes to the County Treasurer in each

Moneys col-
lected under
Chapter 48,
Volume 15.

To whom
paid.

OF FREE SCHOOLS.

How kept. county, which he shall keep as a separate and distinct fund for the support and maintenance of colored schools in said county, and which shall be paid and expended by said County Treasurer as hereinafter provided.

Duty of State Superintendent. SECTION 4. The State Superintendent of Free Schools in this State shall have the general supervision of the colored schools in the State, and it shall be his duty in the month of October, of each and every year, to inform the County Treasurers in the several counties of the number of the several colored schools in his county which have remained open for at least three months during the school year with an average attendance of at least twelve scholars.

Duty of County Treasurer. SECTION 5. The County Treasurers in the several counties aforesaid, shall divide the money appropriated under this act equally among the several colored schools in said county, as mentioned in Section 2 of this act, and the moneys collected under the act mentioned in Section 3 aforesaid shall be Distribution of moneys. equally distributed by said Treasurer among the colored schools in said hundred, and in case there shall not be any school kept and maintained in any hundred during the year, as required by this act, the amount paid in from said hundred shall be retained and held by the said treasurer until a school or schools shall be organized and kept in such hundred, when it shall be applied towards the support of such school or schools.

County Treasurer to furnish statement. SECTION 6. The County Treasurer of each county shall furnish the State Superintendent with a statement showing the *pro rata* share to which each colored school is entitled to receive as aforesaid, and the share aforesaid shall be paid by Payments. How made. an order drawn by the State Superintendent in favor of the school entitled thereto, and the amount so drawn shall be paid by the collector of county taxes of the hundred in which said colored school is situated, which sum so paid as aforesaid by the collector shall be allowed by the County Treasurer and Levy Court of the respective counties. Duty of collector.

Section 4 applicable to taxes for colored schools. SECTION 7. That the provisions of Section 4 of Chapter 354, Vol. 16, Laws of Delaware, shall apply to the taxes collected under and by virtue of the act entitled "An act to tax colored persons for the support of their own schools," passed March 24, 1875, and the several amendments and supplements thereto.

OF FREE SCHOOLS.

SECTION 8. That the act entitled "An act to encourage the education of the colored people," passed at Dover, March 22, 1881, and all acts or parts of acts inconsistent with the provisions of this act, be and the same is hereby repealed.

Inconsistent
acts repealed

Passed at Dover, April 19, 1883.

CHAPTER 49.

OF FREE SCHOOLS.

AN ACT to authorize the United School Districts Nos. 39 and 41, in New Castle County, to borrow money for the purpose of building a new school house thereon, and also to sell school property belonging to the said districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Charles C. King, clerk, William Homewood and James Wilson, commissioners of the United School Districts Nos. 39 and 41, in New Castle County, or their successors in office, are hereby authorized, directed and empowered to borrow, upon such terms and conditions as in their discretion they may think best, such sum of money as they may deem necessary, not exceeding three thousand dollars, to be used for the purpose of building a new school house in said United Districts 39 and 41, and to secure the payment of the same, with interest, in six equal installments, on the 25th day of April in each year.

Commissioners
authorized
to borrow
not exceeding
\$3,000.

Object.

SECTION 2. *And be it further enacted,* That the said commissioners, and their successors in office, are hereby authorized, directed and required to levy and collect, yearly, (in addition to the tax for carrying on the school directed to be levied at the stated meetings) such sum as shall be necessary to meet said annual payments, and pay the same according to the conditions upon which it was borrowed.

May levy
and collect
additional
taxes to
meet annual
payments.

SECTION 3. *And be it further enacted,* That the school commissioners of said United School Districts Nos. 39 and 41 shall have the power to sell at public sale, either for cash or upon credit, and to convey by good and sufficient title, any

May convey
certain real
estate.

OF FREE SCHOOLS.

Proceeds. How applied real estate now belonging to said districts, and to apply the proceeds of such sale to the erection of the school building hereinbefore authorized to be built.

May employ architect, plan, etc. SECTION 4. *And be it further enacted*, That the said commissioners, before proceeding to build said school house, shall employ an architect to make a plan and specifications of the same, and shall thereupon, by public notice of four weeks, in the Delaware Ledger, call for sealed proposals to build the said school house, and shall give out the contract for the entire building, to the lowest bidder, from whom they shall require bond, with a penalty double the amount of the contract, for the faithful performance of his obligations; *provided*, that before the commissioners shall enter into said contract, under the provisions of this act, the plan of the said school house shall be submitted to and approved by a majority of the voters of the said united districts present at any regular, annual, stated, special, or adjourned meeting of said districts.

Notice for proposals.

Bond. Penalty.

Proviso.

Approval of voters.

Passed at Dover, January 26, 1883.

CHAPTER 50.

OF FREE SCHOOLS.

Chapter 366, A SUPPLEMENT to the act entitled "An act to Consolidate the Public Schools of the Town of Smyrna."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,) as follows:

Directors authorized to convey real estate and purchase lot and erect building for schools. SECTION 1. That the board of directors of the "Smyrna Public Schools" is hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof, any real estate now belonging to the districts composing the "Smyrna Public Schools;" and also to purchase, take and hold a suitable and convenient lot of land or site for a new school house; and also to erect or cause to be erected, in a suitable and con-

OF FREE SCHOOLS.

venient place, a new school building or school buildings for the use of the said Smyrna Public Schools.

SECTION 2. That the said "The Board of Directors of the Smyrna Public Schools" is hereby further authorized and empowered to borrow any sum of money, not exceeding sixteen thousand dollars, for the purpose of erecting a new school building or school buildings, as authorized by Section 1 of this act, and also for purchasing a new site for said new building or buildings, in case it shall be deemed necessary and proper to purchase such new site; and which said sum of money so authorized to be borrowed under this act may be borrowed at one time and of one individual or corporation, or in different sums and at different times or of one or more individuals or corporations; *provided* that in the whole the said "The Board of Directors of the Smyrna Public Schools" shall not borrow more than sixteen thousand dollars for the purposes aforesaid.

Authorized
to borrow
not exceed-
ing \$16,000.

Object.

Proviso.

SECTION 3. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with interest thereon, the said "The Board of Directors of the Smyrna Public Schools" is hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of the said "The Board of Directors of the Smyrna Public Schools," and also a mortgage or mortgages upon any or all of the real estate owned by the said Smyrna Public Schools at the time of the execution thereof; which bond or bonds, mortgage or mortgages shall be signed by the president of the said "The Board of Directors of the Smyrna Public Schools," be sealed with its corporate seal, and be attested by the secretary thereof. The said bond or bonds may be either with or without warrants of attorney for the confession of judgment thereto annexed, and may be made to become due and payable in such manner and at such time or times as the said "The Board of Directors of the Smyrna Public Schools" shall deem advisable, and shall bear interest at any rate not exceeding six per centum per annum.

Empowered
to issue
bonds to
secure loans.

Also to
mortgage.

By whom
signed.

Seal attested
by Secretary

With or
without war-
rant of
attorney.
When pay-
able.

Rate of
interest.

SECTION 4. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, the said "The Board of Directors of the Smyrna Public Schools" is hereby further authorized and empowered to assess, raise and collect, as now

Authorized
to levy and
collect taxes
for payment
of loan.

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provided by law, within the districts composing the Smyrna Public Schools, in addition to the amount authorized to be raised under the provisions of the act to which this act is a supplement, such further and additional sum or sums of money as shall be sufficient to meet the interest on the money authorized to be borrowed under this act and to pay the principal at the maturity thereof; which further and additional sum of money hereby authorized to be assessed, raised and collected may be assessed, raised and collected within the districts composing the said Smyrna Public Schools in any one year, or may be distributed through a series of years, as may be deemed advisable by the said "The Board of Directors of the Smyrna Public Schools."

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 7, 1883.

CHAPTER 51.

OF FREE SCHOOLS.

AN ACT relating to School District No. 81, New Castle County.

Preamble.

WHEREAS by an act of the General Assembly of the State of Delaware, passed at Dover, February 2d, 1869, entitled "An act to authorize certain persons to call in and re-invest certain moneys, &c.," (being Chapter 426, Vol. 13, Delaware Laws,) certain commissioners, appointed by said act, were authorized to collect certain moneys therein named and invest the same in manner therein prescribed, and pay the interest and dividends arising from said investments annually to the school committee of School District No. 81, New Castle county, for the benefit of said school district; and whereas the school house in said district is out of repair and so much too small for the requirements of said district that a new school house is needed, and it is deemed advisable and proper that the principal of said investments, about \$700.00, should be applied toward the erection of such new school house; therefore

OF FREE SCHOOLS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the school committee of School District No. 81, New Castle county, is hereby authorized and empowered to demand, sue for, collect and receive the principal sum aforesaid of or from the commissioners named in the said recited act, or their executors and administrators, or of or from any person or persons, or their executors and administrators, to whom the said commissioners may have loaned the said moneys or any part thereof; and to that end shall have all the powers that school committees now have for the collection of sums or balances due school districts, and also shall have the right to apply the moneys so collected and received toward the building of a new school house under the provisions of the general law touching the building of new school houses.

School committee of school district No. 81 authorized to collect certain moneys.

How applied

Passed at Dover, February 28, 1883.

CHAPTER 52.

OF FREE SCHOOLS.

AN ACT to establish a Board of Education for the Town of Harrington, and to incorporate the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That School Districts Nos. 94, 126 and 127, in Kent County, as now bounded, or as they may hereafter be bounded, be and they are hereby declared incorporated into one consolidated district, to be governed and managed by a board of education, consisting of nine members, to be elected as hereinafter provided.

Certain school districts in Kent county consolidated

SECTION 2. That from and after the passage of this act, there shall be established, in and for the town of Harrington,

Board of education.

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Powers and duties of Board. and such portions as lie outside thereof, a board of education, to be styled "The Board of Education of the Town of Harrington," whose design and purpose shall be the direction, management and superintendence of the public education of children, in said consolidated districts, between the ages of six and twenty-one years, and generally to do all other matters and things necessary to carry into effect the requirements of this act.

Who compose the board.

Incorporated.

Corporate powers.

SECTION 3. That the following named citizens of the United School Districts Nos. 94, 126 and 127, viz: Robert S. Downs, Robert H. Short, James A. Smith, Ezekiel Fleming, Alfred Raughley, William T. Sharp, Henry Dickerson, Amos Cole and James A. Moore, and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify, from time to time, a plan and system of education for children, between the ages aforesaid, in the said consolidated districts, and to superintend the same, to appoint, suspend and remove teachers, and provide school houses, to make by-laws, rules and regulations for their own government, and for the government of teachers and schools under their superintendence, to designate and elect officers of the said board, and to fill vacancies in any manner whatsoever caused until the next election for members of the board, and take and require, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and that they, as such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State, or elsewhere, and have a common seal, with power to alter the same at pleasure, and otherwise generally shall have all the rights, powers, privileges and franchises incident to corporations and necessary or convenient for carrying out the purposes of their creation.

Election. Terms.

SECTION 4. That the persons named as corporators in this act shall constitute the board of education, until the first Saturday in April A. D. eighteen hundred and eighty-three, or until their successors are duly elected and qualified. The first election for the members of the board of education shall take place on the first Saturday in April, A. D. eighteen hundred and eighty-three, at which election three

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persons shall be elected to serve for the term of one year, ^{Vacancies.} three for the term of two years, and three for the term of three years; and on the first Saturday of April, annually thereafter, to fill vacancies caused by the limitation to the terms of office prescribed or in any manner whatsoever. The election shall be held in the afternoon, the polls opened ^{When elections open and close.} at one o'clock, or within thirty minutes thereafter, and closed at five o'clock. The members shall not receive either pay or emolument, or be allowed any compensation for their services. ^{No compensation. Officers.} The board shall elect one of their number president, who shall be the presiding officer of said board, and shall also elect a secretary and treasurer, who may, or may not, be a member or members of said board. The offices of secretary and treasurer may be held by the same person. The board shall appoint the place for holding the annual or any special election, and give notice thereof, for ten days previous to the time of holding said election, by handbills under the signature of the secretary of the board, posted in five of the most public places in the consolidated district. The said board shall appoint an inspector of said election (not one of their number) ^{Inspector.} who shall preside thereat. The secretary of said board shall act as clerk of said election. Within two days after any election the certificates of the result shall be delivered, ^{Certificates. To whom delivered.} under the hands of the inspector and clerk, as follows: one to the secretary of the board and one to each of the persons elected, which certificate shall be made out and signed [as] aforesaid, immediately after counting the vote. The board shall be the judges of the election of its members, ^{Qualification of members.} who must have paid a school tax in said consolidated districts within the year preceding the election, and must be elected by the voters of said consolidated districts having the same qualifications as required to vote at general elections; a plurality of votes shall elect. ^{Plurality to elect.}

SECTION 5. That the law now in force, or that may here- ^{Illegal voting.} after be passed, in this State with regard to illegal voting at school elections, shall apply to every case of illegal voting at any election authorized to be held under this act, and every inspector and clerk of elections authorized to be held under the provisions of this act, failing to perform the duties required of him, shall be held liable to the same penalty that ^{Penalty.} now is imposed, under the general school law, upon the secretary at any annual meeting of the school voters of any school district in this State for a failure to perform the duties imposed upon him by the general school law of this State.

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Report.

SECTION 6. That the board of education shall, on or before the Monday next preceding the first Saturday in April, in every year, cause to be made out and hung up, in some public place, in said district, a full report of their accounts and proceedings, during the past year, setting forth aggregates, under their appropriate heads. They shall also depute one of their number to settle with the Auditor of the State.

Settle with Auditor.

May sell certain real estate.

SECTION 7. That the said board of education shall have power to sell, either at public or private sale, and either for cash or upon credit, as they may deem best, and to convey, by good and sufficient title, any real estate now belonging to the said School Districts Nos. 94, 126 and 127, and to erect in a suitable and convenient place a new school building or school buildings for the use of said districts, and to purchase a site upon which to erect the same.

May erect new school buildings.

Authorized to borrow money.

SECTION 8. That it shall be lawful for the said board of education, and they are hereby expressly authorized and empowered to borrow a sum of money which, together with the sum or sums of money arising from the sale of the present school property, as hereinbefore authorized to be made, shall be equal to the entire cost of the said site and of the building or buildings so authorized to be erected thereon; *provided, however,* that the sum so borrowed as aforesaid does not exceed the sum of five thousand dollars, and the same to be made payable in ten equal annual installments, and to be secured by bond, or bond and mortgage, upon the property of said district, signed by the president and treasurer of the said board of education.

Proviso.
Not exceeding \$5,000.
How payable.

May levy and collect additional taxes.

SECTION 9. That it shall be lawful for the said board of education to levy and collect, in like manner as State and county taxes now or may hereafter be levied and collected, such additional sum of money as will be sufficient to pay off the annual installments mentioned in the next foregoing section of this act. The said board of education shall have power and authority to levy and collect, as school taxes are now or may hereafter be levied and collected, such further sum of money as shall, in their judgment, be sufficient to carry on the schools in said district; *provided* that the sum so raised for school purposes, in any one year, shall not exceed the sum of fifteen hundred dollars.

Purposes.

Proviso.
Not exceeding \$1,500.

Plans, etc., for school building, etc.

SECTION 10. That the said board of education shall obtain a plan for said building or buildings, hereinbefore au-

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thorized to be erected, and advertise for sealed proposals for building and constructing the same. The contract shall be awarded to the lowest and best bidder, who shall give bond for the faithful performance of said contract in a penal sum double the amount of his bid.

SECTION 11. That the board of education shall have the same power and authority in collecting taxes, as well those that are now due said district as those which may hereafter be levied upon the taxables of said district, that now is or may hereafter be conferred upon the commissioners of public schools in this State; and shall have the right to draw dividends from time to time made and entered to the credit of School Districts Nos. 94, 126 and 127, in Kent county.

SECTION 12. That each member of the board of education, and each officer by them appointed, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully according to the best of his knowledge and judgment. Such oath or affirmation may be administered by the president of the board, or by any member thereof, as well by any officer authorized by law to administer oaths.

SECTION 13. That this act shall be and continue in force for the term of twenty years from and after its passage, and that all laws or parts of laws which conflict with the same or any of its provisions be and the same are hereby repealed.

Passed at Dover, March 1, 1883.

CHAPTER 53.

OF FREE SCHOOLS.

AN ACT to amend an act entitled, "An act to incorporate the Board of Education of the Dover Public Schools," passed at Dover, February 26, 1877.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

SECTION 1. That the act entitled, "An act to incorporate the Board of Education of the Dover Public Schools," passed

Section 7,
Chapter 371,
Volume 15
amended.

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at Dover, February 26, 1877, be and the same is hereby amended by striking out the words "three thousand," in line eleven of Section 7 of said act, and by inserting in lieu thereof the words "thirty-five hundred."

Passed at Dover, March 8, 1883.

CHAPTER 54.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 23 and 161 in Sussex County under the title of "The Millsboro' Public School."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

School Districts 23 and 161, Sussex county, consolidated.

Powers.

Each district entitled to its share of school fund.

Terms, when expire.

Board of directors.

Who compose.

SECTION 1. That School Districts Numbers 23 and 161, in Sussex County, as now formed, or may hereafter be formed under the laws of this State, be and they are hereby consolidated and shall be known as "The Millsboro' Public School," and shall have the same rights, privileges and powers as any other united school districts under any general law of this State.

SECTION 2. That in the distribution of the school fund to which the several counties of this State are entitled, or may hereafter be entitled under any law of this State, the Trustee of the School Fund shall distribute to the said "The Millsboro' Public School" the full proportion to which they are now entitled as two districts in Sussex county.

SECTION 3. That the terms of the school commissioners, now acting as such, in Districts Numbers 23 and 161, in Sussex county, shall expire on the first Saturday in April, 1883.

SECTION 4. That on and after the first Saturday in April, 1883, the following named persons shall constitute a board of directors for the said "The Millsboro' Public School" for the period of one year after the first Saturday in April next, or until their successors may be chosen, viz: George T. Dodd, Tilghman S. Johnson, Jacob R. Godwin, John K. Cordrey and Charles B. Houston; and that on the first Satur-

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day in April, 1884, the voters of the said districts, consolidated under this act, shall elect a board of five directors in the place of those whose terms expire; two of said board of directors to be elected for one year, two others of said board of directors to be elected for two years, and one other of said board of directors to be elected for one year, and on the first Saturday in April thereafter, as their terms shall respectively expire, their successor or successors shall be elected for the period of three years, for the management of the said "The Millsboro' Public School"; but a failure to elect said board of directors, at the time specified, shall not act as a revocation of this act.

Election.
When.Terms of
office.Failure to
elect.

SECTION 5. That the board of directors shall elect one of their number as president and one as secretary and treasurer, who shall hold their said offices during the continuance of their said term. The board of directors shall require the treasurer to give security, by bond or otherwise, for the faithful performance of his duties.

Officers.

Bond.

SECTION 6. That the board of directors of "The Millsboro' Public School" are hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance, to the purchaser or purchasers thereof, any real estate now belonging to the Districts Numbers 23 and 161 in Sussex county, and by this act consolidated and composing "The Millsboro' Public School;" and also to purchase, take, and hold, in fee simple, a suitable and convenient lot of land or site for a new building for the benefit of the said "The Millsboro' Public School," and the said board of directors shall erect, or cause to be erected, said new building for the use of the said "The Millsboro' Public School" as hereinafter provided.

Board of
directors
may convey
certain real
estate.May pur-
chase land
erect build-
ings.

SECTION 7. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized and empowered to borrow any sum of money not exceeding twenty-five hundred dollars, for the purpose of erecting a new building for the benefit of the Millsboro' Public School, as authorized by Section 6 of this act.

May borrow
money not
exceeding
\$2,500.

Purposes.

SECTION 8. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized to borrow, at one time, or of one or more individuals, in different sums and at different times, *provided* that in the whole the

Power to
borrow.

Proviso.

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said "The Board of Directors of the Millsboro' Public School" shall not borrow more than twenty-five hundred dollars for the purpose aforesaid.

Loan. How secured. SECTION 9. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, the said "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of the said "The Board of Directors of the Millsboro' Public School," which bond or bonds shall be signed by the president of the said "The Board of Directors of the Millsboro' Public School," and attested by the secretary and treasurer thereof. The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum.

Bond.

Form.

When payable.

Rate of interest.

Levy and collect taxes for payment of debt and support of schools. SECTION 10. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of the said Millsboro' Public School, "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Millsboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act and for the continuance and support of the said "The Millsboro' Public School," and for the payment of the principal of said bonds at maturity.

Bonds a lien. SECTION 11. That the bond or bonds given by the said board of directors of the said "The Millsboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 23 and 161, consolidated under the name of "The Millsboro' Public School," and that no personal liability shall attach to the said "The Board of Directors" making said bond or bonds other than the common liability of all owners of real estate in said united districts.

No personal liability.

Taxes uncollected belong to consolidated districts. SECTION 12. That all taxes heretofore assessed in either of School Districts Numbers 23 and 161, in Sussex county, and not yet collected, shall belong to and shall be deemed owing to the said districts consolidated by virtue of this act as "The Millsboro' Public School;" and the said directors of

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the said "The Millsboro' Public School," or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to the said "The Millsboro' Public School."

Powers of collector.

SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death, resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term.

Vacancies. How filled.

SECTION 14. That all debts due and owing to the said Districts Numbers 23 and 161, in Sussex county, shall be due and owing to the said "The Millsboro' Public School," and the board of directors of the said The Millsboro' Public School shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act.

Debts due original districts belong to consolidated districts.

SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 23 and 161, in Sussex county, shall be the property of the said "The Millsboro' Public School," and the board of directors of the said "The Millsboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Millsboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to the said "The Millsboro' Public School," or for the recovery of the same.

Property of original districts belong to consolidated districts.

Recovery of property.

SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Millsboro' Public School."

Qualification of voters

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Millsboro' Public School."

Passed at Dover, March 9, 1883.

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CHAPTER 55.

OF FREE SCHOOLS.

Chapter 58 of Volume 17 **AN ACT** to amend the act entitled "An act to Consolidate School Districts Nos. 23 and 161, in Sussex county, under the title of "The Millsboro' Public School."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 4 of the act entitled "An act to consolidate School Districts Nos. 23 and 161, in Sussex county, under the title of The Millsboro' Public School," be and the same is hereby amended by striking out, after the word "School" in the 5th line of said section and before the word "or" in the 7th line of said section, the following:
 Term of corporators. "for the period of one year after the first Saturday in April next."

SECTION 2. Amend the said section further by striking out, in the 14th line of said section after the word "elect" and before the word "and" in the 21st line, the following:
 Term for which directors shall be elected. "a board of five directors in the place of those whose terms shall expire, two of said board of directors to be elected for one year, two others of said board of directors to be elected for two years, and one other of said board of directors to be elected for one year"; and insert in lieu thereof the following: "two directors for the term of three years, in the places of George T. Dodd and Tilghman Johnson, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1885, the voters of said districts consolidated under this act shall elect two directors for the term of three years, in the places of Jacob R. Godwin and John R. Cordrey, whose terms of office as said directors shall then expire; and that on the first Saturday in April, A. D. 1886, the voters of said districts consolidated under this act shall elect one director for the term of three years, in the place of Charles B. Houston, whose term of office shall then expire; and nothing contained in this act shall prevent the re-election of any person or persons as a director or as directors of the said 'The Millsboro' Public School.'"

SECTION 3. That in the publication of the act to which this is an amendment the Secretary of State be and he is hereby directed to publish said act as amended by this act.

Passed at Dover, April 12, 1883.

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CHAPTER 56.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 23 and 161 in Sussex County under the title of "The Millsboro' Public School," as amended by the act entitled "An act to amend the act entitled 'An act to Consolidate School Districts Nos. 23 and 161, in Sussex county, under the title of 'The Millsboro' Public School.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That School Districts Numbers 23 and 161, in Sussex County, as now formed, or may hereafter be formed under the laws of this State, be and they are hereby consolidated and shall be known as "The Millsboro' Public School," and shall have the same rights, privileges and powers as any other united school districts under any general law of this State.

SECTION 2. That in the distribution of the school fund to which the several counties of this State are entitled, or may hereafter be entitled under any law of this State, the Trustee of the School Fund shall distribute to the said "The Millsboro' Public School" the full proportion to which they are now entitled as two districts in Sussex county.

SECTION 3. That the terms of the school commissioners, now acting as such, in Districts Numbers 23 and 161, in Sussex county, shall expire on the first Saturday in April, 1883.

SECTION 4. That on and after the first Saturday in April, 1883, the following named persons shall constitute a board of directors for the said "The Millsboro' Public School," or until their successors may be chosen, viz: George T. Dodd, Tilghman S. Johnson, Jacob R. Godwin, John K. Cordrey and Charles B. Houston, and that on the first Saturday in April, 1884, the voters of the said districts consolidated under this act shall elect two directors for the term of three years, in the places of George T. Dodd and Tilghman Johnson, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1885, the voters of said districts consolidated under this act shall elect two directors for the term of three years, in the places of Jacob R. Godwin and John R. Cordrey, whose terms of office as said directors

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shall then expire; and that on the first Saturday in April, A. D. 1886, the voters of said districts consolidated under this act shall elect one director for the term of three years, in the place of Charles B. Houston, whose term of office shall then expire; and nothing contained in this act shall prevent the re-election of any person or persons as a director or as directors of the said "The Millsboro' Public School;" and on the first Saturday in April thereafter, as their terms shall respectively expire, their successor or successors shall be elected for the period of three years, for the management of the said "The Millsboro' Public School"; but a failure to elect said board of directors at the time specified shall not act as a revocation of this act.

Failure to elect.

Officers.

SECTION 5. That the board of directors shall elect one of their number as president and one as secretary and treasurer, who shall hold their said offices during the continuance of their said term. The board of directors shall require the treasurer to give security, by bond or otherwise, for the faithful performance of his duties.

Bond.

Board of directors may convey certain real estate.

SECTION 6. That the board of directors of "The Millsboro' Public School" are hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance, to the purchaser or purchasers thereof, any real estate now belonging to the Districts Numbers 23 and 161 in Sussex county, and by this act consolidated and composing "The Millsboro' Public School;" and also to purchase, take, and hold, in fee simple, a suitable and convenient lot of land or site for a new building for the benefit of the said "The Millsboro' Public School," and the said board of directors shall erect, or cause to be erected, said new building for the use of the said "The Millsboro' Public School" as hereinafter provided.

May purchase land, erect buildings.

May borrow money not exceeding \$2,500.

Purposes.

SECTION 7. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized and empowered to borrow any sum of money not exceeding twenty-five hundred dollars, for the purpose of erecting a new building for the benefit of the Millsboro' Public School, as authorized by Section 6 of this act.

Power to borrow.

Proviso.

SECTION 8. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized to borrow, at one time, or of one or more individuals, in different sums and at different times, *provided* that in the whole the

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said "The Board of Directors of the Millsboro' Public School" shall not borrow more than twenty-five hundred dollars for the purpose aforesaid.

SECTION 9. That for the purpose of securing to the loaner ^{Loan. How secured.} or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, the said "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond ^{Bond.} or bonds of the said "The Board of Directors of the Millsboro' Public School," which bond or bonds shall be signed by the president of the said "The Board of Directors of the Millsboro' Public School," and attested by the secretary and treasurer thereof. ^{Form.} The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, ^{When payable. Rate of interest.} with the interest not to exceed six per cent. per annum.

SECTION 10. That for the purpose of raising the funds ^{Levy and collect taxes for payment of debt and support of schools.} necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of the said Millsboro' Public School, "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Millsboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act and for the continuance and support of the said "The Millsboro' Public School," and for the payment of the principal of said bonds at maturity.

SECTION 11. That the bond or bonds given by the said ^{Bonds a lien.} board of directors of the said "The Millsboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 23 and 161, consolidated under the name of "The Millsboro' Public School," and that no personal ^{No personal liability.} liability shall attach to the said "The Board of Directors" making said bond or bonds other than the common liability of all owners of real estate in said united districts.

SECTION 12. That all taxes heretofore assessed in either ^{Taxes uncollected belong to consolidated districts.} of School Districts Numbers 23 and 161, in Sussex county, and not yet collected, shall belong to and shall be deemed owing to the said districts consolidated by virtue of this act as "The Millsboro' Public School," and the said directors of

OF FREE SCHOOLS.

Powers of collector. the said "The Millsboro' Public School," or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to the said "The Millsboro' Public School."

Vacancies. How filled. SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death, resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term.

Debts due original districts belong to consolidated districts. SECTION 14. That all debts due and owing to the said Districts Numbers 23 and 161, in Sussex county, shall be due and owing to the said "The Millsboro' Public School;" and the board of directors of the said The Millsboro' Public School shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act.

Property of original districts belong to consolidated districts. SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 23 and 161, in Sussex county, shall be the property of the said "The Millsboro' Public School," and the board of directors of the said "The Millsboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Millsboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to the said "The Millsboro' Public School," or for the recovery of the same.

Recovery of property.

Qualification of voters SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Millsboro' Public School."

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Millsboro' Public School."

Passed at Dover, March 9, 1883.

OF FREE SCHOOLS.

CHAPTER 57.

OF FREE SCHOOLS.

AN ACT transferring the Farm now belonging to William C. Rust, and situate in School District No. 143 in Sussex county, from said District No. 143 to School District No. 90 in said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the farm now belonging to William C. Rust, situate in School District No. 143 in Sussex county, shall hereafter be and form a part of School District No. 90 in Sussex county aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said William C. Rust and the person or persons hereafter owning said land and farm or living on the same shall be subject to all the duties and liabilities of taxables of said School District No. 90; and further, that they are hereby relieved and discharged from the same in said School District No. 143 in Sussex county aforesaid. This act shall be deemed and taken to be a public act.

Certain real estate transferred to district No. 90, Sussex co.

Privileges of owners of transferred property.

Public act.

Passed at Dover, March 13, 1883.

OF FREE SCHOOLS.

CHAPTER 58.

OF FREE SCHOOLS.

AN ACT to amend Section 6 of Chapter 54, Volume 15 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 6,
Chapter 54,
Volume 15,
amended.

SECTION 1. That Section 6 of Chapter 54 of Volume 15 of the Laws of Delaware be and the same is hereby amended by striking out of the eighth line of said section the word "four," and in lieu thereof, after the word "exceed" and before the word "thousand," insert the word "six."

Passed at Dover, March 27, 1883.

CHAPTER 59.

OF FREE SCHOOLS.

A supplement to
Chapter 52,
Volume 14.

A SUPPLEMENT to an act entitled "An act to incorporate Delaware City Public School, and for other purposes," passed at Dover, March 4th, 1875.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Empowered
to erect new
school
building.

Cost of site
not to ex-
ceed \$2,500.

SECTION 1. That the trustees and directors of the Delaware City Public School shall have full power and authority to purchase suitable grounds and building or buildings, at a cost not exceeding twenty-five hundred dollars, or to purchase suitable grounds and erect a building or buildings ample in size, with all the necessary conveniences to accommodate all the pupils residing within the Consolidated Districts 52 and 76. The walls of any building or buildings purchased or erected under this act must be constructed of good bricks or stone.

OF FREE SCHOOLS.

SECTION 2. That if the trustees and directors herein mentioned shall deem it imprudent to raise, by taxation, the whole sum necessary to carry into effect the objects of this corporation and act at one time, they may, in their discretion, levy and raise by taxation such portion thereof as they may deem proper, and borrow, on bond or mortgage, under the hands and seal of the said trustees, or a majority of them, on the property of the said school districts or consolidated districts, or otherwise, the balance of the sum necessary to carry into effect the objects and designs of this act, and to liquidate the same by annual installments or otherwise, as may be agreed upon by said trustees and the party or parties making such loan. That for the erection of the new building or buildings the trustees shall not use from the building fund a sum greater than six thousand dollars; that no greater sum than fifteen hundred dollars shall be raised by the regular tax in any year for the erection of buildings. They shall have power to use any surplus funds that they may have in their possession, from taxation or otherwise, to aid in the erection and furnishing of the buildings, or as the needs of the school may require.

May levy
and collect
taxes.

Borrow on
bond or
mortgage.

Payments.
How made.

Power of
trustees.

Amount
raised
limited.
Taxes.

Surplus
funds. How
applied.

SECTION 3. That the trustees and directors shall have full power and authority to sell any one or all of the lots now owned by the district or districts, and to execute a deed or deeds for the same under the hands and seals of said trustees, or a majority of them, which deed or deeds so as aforesaid executed shall convey and transfer to the purchaser all the right and title of said district or districts of, in, and to the property so as aforesaid conveyed; and the trustees shall have full power and authority to dispose of and cause to be removed the school house of District No. 52, and are required to dispose of, in the following manner, the grounds known as the school and church lot, being the same as conveyed by Manuel Eyre by indenture dated Dec. 29th, A. D. 1829, and by Daniel Newbold and Rachel, his wife, by indenture dated Dec. 31st, 1829, A. D., for school and church purposes. The trustees shall first open, through said school and church lot, from Fourth street to Fifth street, a continuation of Bayard street of a width of sixty feet, and shall dispose of the residue of said school and church lots in any manner they, in their judgment, think to the best advantage for the benefit of the consolidated school districts; and said trustees shall take from the person or persons of whom said new property shall have been purchased a deed in such manner as shall

Power to
convey pres-
ent school
property.

Title.

Sale of
buildings
and certain
real estate.

To open cer-
tain street.

Deed.

OF FREE SCHOOLS.

secure a good and valid title to said district or districts in such lands and premises so as aforesaid purchased forever.

SECTION 4. That such parts of the original act of which this act is a supplement as are repugnant to this act are hereby repealed. This act shall be a public act.

Passed at Dover, March 28, 1883.

CHAPTER 60.

OF FREE SCHOOLS.

AN ACT to create a new School District from Districts Nos. 62, 63, 64 and 86, in Georgetown Hundred, Sussex county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Com-
mis-
sioners to
lay out ad-
ditional dis-
trict out of
Districts 62,
63, 64 and 86,
Sussex co.

Boundaries.

SECTION 1. That Reuben Donovan, Enoch W. Donovan and Isaac A. Peck be and they are hereby appointed commissioners, and they, or a majority of them, are authorized to go upon the lands embraced within the limits of School Districts Numbers 62, 63, 64 and 86, in Georgetown hundred, Sussex county, and, if necessary, take with them a skillful surveyor, and so divide the said districts as to create a new one, to be numbered in continuation of the school districts in said county; *provided* that such school district shall begin at a point where the Milford road crosses the Gravelly branch at the extreme northwest corner of District No. 63, following the said road in a southerly direction until the line reaches McColley's Chapel, including which and proceeding in the course above mentioned until the line strikes the dividing line between Districts Nos. 62 and 86 and east of Mrs. Reynolds' farm, then following the said division line in its course until it intersects the Mifflin ditch; thence following the said ditch in its course until it intersects or crosses the dividing line of Districts Numbers 86 and 63; thence going in a northwesterly direction, including the farm of L. Donovan, on to Gravelly branch; thence following the said branch in its westerly direction to the place of beginning. And it shall be the duty of the commissioners, or a majority of them, after

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the said district shall have been laid out, to have a plot of the same made and lodged with the Levy Court of said county. Plot and return.

SECTION 2. The commissioners appointed by this act shall receive such compensation as the Levy Court shall determine, and the surveyor and other persons by him employed necessary for the proper performance of his duty shall receive such remuneration as is usual in such cases. The commissioners and surveyor shall be sworn to faithfully perform their several duties before entering upon them. Compensation. Oath.

SECTION 3. The commissioners shall determine the location, amount of ground necessary, size and plan of construction for the school building for the new district, and, in order to provide payment for the same, they are hereby empowered to levy a tax on all the land and other property embraced in said new district subject to taxation for school purposes. For collecting the same they are hereby endowed with all the legal powers of the collector of the hundred in which the district is located. They may employ, under their direction, said collector to collect the tax so levied; any commissioner neglecting or refusing to serve before the duties required of him under this act shall be fully complied with, thus causing a vacancy, the same shall be filled by appointment made by the associate judge residing in Sussex county, on petition to him, by three citizens of said new district. Location for school building. Taxation. How collected. Vacancies. How filled.

SECTION 4. The additional school district to be formed by and under this act, shall have all the rights, authority and privileges of other school districts of the State; and as soon as the district is laid out and plot of same lodged with the Clerk of the Levy Court in and for Sussex county, the said Clerk shall inform the Trustee of the School Fund thereof. Privileges of new school district. Duty of Clerk of the Peace.

SECTION 5. The commissioners shall continue in office until all the duties devolving upon them by this act are performed and officers are elected under the general school law for the government of the district; and while in office the commissioners shall have, in addition to the powers hereby conferred, all the authority of regularly elected school officers. Terms of office. Powers of commissioners.

Passed at Dover, March 23, 1883.

OF FREE SCHOOLS.

CHAPTER 61.

OF FREE SCHOOLS.

AN ACT to authorize the creation and establishment of a New School District in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That John H. Hoffecker, Owen H. Nickerson, John D. Burton, William R. Cahoon, senior, and Caleb S. Pennewill, be and they are hereby appointed commissioners to view the territory embraced within the limits of School District No. 114 and School District No. 1 in Kent County, and to determine whether it is necessary and advisable that a new school district should be created out of the territory within the limits of said districts. If the said commissioners, or a majority of them, shall determine that such new district shall be created, they shall forthwith proceed to locate and lay out such new district, and shall make a return, in writing, under their hands or the hands of a majority of them, defining the boundaries and limits of such new district, accompanied by a plot showing the outlines thereof, and shall file the said return and plot in the office of the Clerk of the Peace, in and for Kent County, and therefor the said return and plot shall be duly recorded by the said Clerk of the Peace and shall become and be a public record. The commissioners shall be respectively sworn, or affirmed, before entering upon their duties; and they may call to their assistance a surveyor. The fees of the commissioners and surveyor shall be fixed, allowed and paid by the Levy Court of Kent County.

Commissioners to lay out additional districts from Districts Nos. 1 and 114, Kent county.

Location, plot and return.

Where filed.

Commissioners sworn.
Surveyor.
Fees.

New district known as 114.

Part of District 114 to become part of District No. 8.

SECTION 2. That if the said commissioners shall determine that a new district should be created as aforesaid, and shall so locate the same and make return as aforesaid, such district shall be known and designated as No. 114; and when the said return shall have been made, all the territory originally included in the limits of District No. 114, and not included within the boundaries of such new district, shall immediately thereafter become and be and be treated as within the limits of School District No. 8; and the residue of School District No. 1, not included in such new District No. 114, shall thereafter be District No. 1, and from and after the making of such return, the present United School Districts

OF FREE SCHOOLS.

Nos. 8 and 114 shall cease to exist as such, and School District No. 8 shall thereafter be as though no union had ever been made with District No. 114.

SECTION 3. When the said commissioners shall have made a return of such new district they, or a majority of them, shall call a meeting of the taxables in such new District No. 114, by notices under their hands or the hands of a majority of them, indicating the time and place of such meeting, which notices shall be posted in five of the most public places of the new district at least five days before the day of meeting. At such meeting the said taxables shall elect a clerk for three years, one commissioner for one year, and one commissioner for two years, and determine the amount of tax to be raised, and generally do all things which might be done at a regular annual stated meeting.

School meeting. When and how called.
Notices.
Election terms.
Duties.

SECTION 4. That this act shall be a public act.

Passed at Dover, March 29, 1883.

CHAPTER 62.

OF FREE SCHOOLS.

AN ACT for the Relief of School District No. 116 in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That when and as soon as School District No. 116 shall have elected a school committee and shall have resolved to raise, by taxation, the sum of one hundred and twenty-five dollars, it shall and may be lawful for the school committee of said district to collect and receive the several dividends allotted to the said district in each of the years 1879, 1880, 1881 and 1882; and the Trustee of the School Fund is hereby authorized and directed to pay the same.

School committee may collect certain dividends.
Duty of Trustee of School Fund

Passed at Dover, April 3, 1883.

OF FREE SCHOOLS.

CHAPTER 63.

OF FREE SCHOOLS.

AN ACT to incorporate and enlarge School District Number 90 in the Town of Bridgeville, Sussex county, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Certain
lands in Dis-
tricts Nos.
143 and 166
added to
District 90.

SECTION 1. That all of School District Number 90 in the town of Bridgeville, Sussex county, and all that part or portion of School Districts Numbers 143 and 166 which lies and is included within the corporate limits of the town of Bridgeville, and all that part or portion of School District Number 143 which includes the lands of William Gray on which he now resides, and the lands in said School District Number 143 which were purchased by the said William Gray and Philip L. Cannon, respectively, at the sale of the real estate of Loxley R. Jacobs, deceased, be and they are hereby declared incorporated into one new school district, to be known as School District Number 90, to be governed and managed by a board of public education consisting of six members, to be elected as hereinafter provided.

Board of
education.

Board of
education.
Style.

Purposes.

SECTION 2. That from and after the passage of this act there shall be established in and for School District Number 90 in the town of Bridgeville, Sussex county, a board of education, to be styled The Board of Public Education for School District No. 90 in the town of Bridgeville, Sussex county, whose design and purpose shall be the direction, management and superintendence of the public education of children, in said District Number 90, between the ages of six and twenty-one years.

Who com-
pose the
board.

Powers.

SECTION 3. That the following named citizens of the said district, viz: Richard W. Cannon, Mitchel Layton, David D. Palmer, Philip L. Cannon, Silas B. Hazzard and W. C. Rust, and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify, from time to time, a plan and system of education for children between the

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ages aforesaid in said District Number 90 in the town of Bridgeville, Sussex county, and to superintend the same; to appoint, suspend and remove teachers, and provide school houses; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence; to designate and elect officers of the said board, and to fill vacancies in any manner whatever caused until the next election for members of the board, and to take and acquire, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate by bargain and sale, gift, grant, contract, devise or bequest; and by the name aforesaid may sue and be sued, plead and be impleaded in the courts of this State or elsewhere; may have a common seal, with power to alter the same, and otherwise generally shall be clothed with the rights, powers and privileges incident to corporations and necessary for carrying out the purposes of their creation. The members of the board shall receive no compensation for their services.

By-Laws.

Officers.

Vacancies.

Acquire property.

Seal.

No compensation.

SECTION 4. That the persons named as corporators in this act shall constitute the board of public education until the first Saturday in April, A. D. eighteen hundred and eighty-four, or until their successors are duly elected and qualified. The board shall meet on the first Saturday of April of the present year, at the school house in School District Number 90 in said town of Bridgeville, and annually thereafter at the same place on the Monday following the election, at ten o'clock in the forenoon, and organize the board by the election of a president, secretary, and treasurer, who shall be members of the board.

Term of office of corporators.

Meeting. When and where.

Organization.

SECTION 5. The first election for the members of the board of public education shall take place on the first Saturday of April, A. D. eighteen hundred and eighty-four, at which election two persons shall be elected to serve for the term of one year, two other persons to serve for the term of two years, and two other persons to serve for the term of three years; and on the first Saturday of April annually thereafter to fill vacancies caused by the limitations of terms of office prescribed or in any manner whatever. The members of the board shall be elected by ballot, and by a plurality vote, and shall hold their offices for the terms for which they are elected, and until their successors are duly chosen and qualified. The election shall be held in the afternoon; the polls shall be open at one o'clock, or within thirty minutes there-

First election of board.

Terms of office.

Vacancies.

Board. How elected.

Election. How conducted.

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after, and close at four o'clock; the election shall be held at the school house in said School District No. 90; the board shall give ten days notice of said election, and of the day, hour and place of holding the same, and of the inspectors appointed by them to hold the same, and of the number of members of the board to be elected thereat, by written or printed handbills, under the signature of the secretary of the board, posted in five of the most public places in the said School District No. 90. The board shall appoint, at least ten days before the holding of said election, an inspector and an assistant inspector, who shall preside thereat. The inspectors shall not be members of the board of education, and shall, before opening the polls, each take an oath or affirmation. The oath may be administered by the inspector, assistant inspector, a justice of the peace, or notary public. The inspectors shall appoint two clerks; one to be appointed by the inspector, and the other by his assistant, who shall keep true and correct lists of the persons voting at said election. The inspectors shall, as soon as the polls have closed, proceed to count the votes, and ascertain the result, and shall immediately, upon ascertaining the result of said election, make out and sign certificates thereof, and shall deliver, without delay, one of said certificates to the secretary of the board of education, one to each of the persons elected, and one other to the Clerk of the Peace of Sussex County, to be kept as a public record. Every person residing within the said School District No. 90 in the town of Bridgeville, Sussex county, and having right to vote for representatives in the General Assembly (and having paid his school tax for the preceding year) shall be a school voter of said district. And if any person not being so qualified shall vote at any school election held therein, he shall be deemed guilty of a misdemeanor, and shall be fined twenty-five dollars. If a vote is objected to the inspectors must unite in rejecting it, or the vote shall be accepted. If any person who shall be appointed by the board either inspector or assistant inspector shall neglect or refuse to serve as such inspector or assistant inspector without rendering an excuse, to be accepted by the board, he shall forfeit and pay to the said board the sum of five dollars, to be recovered by the board in an action before a justice of the peace. If the board shall fail to appoint an inspector, or assistant inspector, or both, ten days before said election, or if the inspector or assistant inspector, or both, shall be absent from the place of election at the time of opening the same, the school voters then shall proceed forthwith, without ballot,

Notice.

Inspector.

Oath. By whom administered.

Duties of clerks of election.

Certificates. To whom delivered.

Qualification of voters.

Illegal voting misdemeanor. Penalty.

Inspector refusing to serve.

Forfeiture.

How recovered.

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to chose, from the voters present, either an inspector or assistant inspector, or both, as the case may be. If the board of education shall in any year fail to give written or printed notice of said election, as required herein, the school voters of said district shall, notwithstanding said failure, meet on the day and at the time herein specified and at the school house in said district, and proceed to elect inspectors and members of the board of education as herein provided in case of notice duly given. If an inspector or assistant inspector, or both of them, shall knowingly take the vote of a person not having the right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election as required herein, he or they shall be guilty of a misdemeanor, and shall forfeit and pay fifty dollars, to be adjudged on indictment and conviction, and to be paid to the board of education aforesaid for the benefit of the schools under their charge.

Voters to choose inspectors in certain cases Meeting held without notice.

Inspectors receiving illegal votes or refusing to give certificate.

Guilty of misdemeanor. Penalty.

SECTION 6. The board shall hold stated meetings once every month, and special meetings when required by the president or a majority of the members thereof; and by a committee, or otherwise, shall visit all the schools under their charge once a week while the schools are in session. A majority of the board shall form a quorum, and any vacancy, occasioned by death, resignation, or otherwise, shall be filled by the board by choosing members thereof to serve until the next election and until their successors be duly elected and qualified; *provided, however*, that no one shall be a member of the board who is not a freeholder and a qualified voter of District No. 90; and if any one having been elected a member of the board shall not then be, or shall afterwards cease to be a freeholder and a qualified voter of said district, he shall thereupon cease to be one of the members of the board aforesaid; *provided further, however*, that this must be ascertained and declared by a two-thirds vote of the other members of said board. The members shall be sworn by each other faithfully and impartially to perform their duties as members of said board of education.

Monthly meetings.

Inspection of schools.

Quorum.

Vacancies. How filled.

Proviso.

Qualification of members.

Proviso.

Oath.

SECTION 7. The treasurer appointed by the board shall be required to give bond, with good and sufficient surety, for the faithful performance of his duties, which shall be sufficient to cover the full amount of money which may at any time come into his hands under the provisions of this act. The board shall have the right to draw, upon an order signed

Treasurer to give bond.

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Dividends. by their president and secretary, the amount of the dividends
How drawn. from time to time which the school named in section one of
this act shall be entitled to out of the State school fund; and
Amount to shall annually assess, levy and collect from the taxables of
be raised by said School District Number 90 in the town of Bridgeville,
taxation not Sussex county, a sum not less than \$400, in the same manner
less than as school taxes now are or hereafter may by law be assessed,
\$400. levied and collected, and for that purpose shall possess all the
powers that school commissioners now have or may hereafter
Proviso. have; *provided* that the collector of North-West Fork hun-
dred shall receive the warrant, with the duplicate of assess-
Warrant ment list, whenever the board shall offer to deliver them to
with dupli- him. The board shall publish, in a newspaper published in
cate. To Sussex county, in the last issue of such paper issued in the
whom month of March of every year, a statement of the receipts
delivered. and expenditures during the year, showing the sources from
Annual which the receipts have been obtained, and the objects for
statement. which they were expended. They shall also settle with the
Auditor as school commissioners do.

Officers SECTION 8. The school voters of said School District No.
chosen. 90 in the town of Bridgeville, Sussex county, may, at their
When. annual meeting on the first Saturday in April, choose a
chairman and secretary, and by a majority vote, to be taken
Board of by ballot, may authorize and empower the board of education
education to raise, for school purposes, a certain additional sum over
authorized and above the sum of four hundred dollars aforesaid; *provided*
to raise more that the two sums do not amount, in the aggregate, to more
than \$400. than the sum of seven hundred dollars. If such additional
Proviso. sum shall be authorized to be raised, two certificates of the
Certificates proceedings of the meeting shall be made and signed by the
of proceed- chairman and secretary; one shall be immediately delivered
ings. To to the secretary of the board of education, the other to the
whom Clerk of the Peace of Sussex county, to be kept as a public
delivered. record.

May convey SECTION 9. That The Board of Public Education of
buildings School District No. 90 in the town of Bridgeville, Sussex
and lot of county, as the same is constituted by the provisions of this
ground. act, shall have power, and they, or a majority of them, are
hereby authorized, empowered and directed, on and after the
first day of April of the present year, to sell and dispose of,
either at public or private sale, as may be considered the most
advantageous by the said board, for the highest and best price
that can be obtained for the same, the present school house,

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together with the lot of ground on which the same is now Title.
standing in said School District No. 90, and to give a good
and sufficient title to the same, and to borrow, upon the faith
and credit of said district, and issue bonds for the same, any Borrow not
sum of money not exceeding two thousand dollars, for the exceeding
use and to be applied and expended under the directions of \$2,000.
The Board of Public Education of School District No. 90 in How applied
the town of Bridgeville, Sussex county, for the purpose of
purchasing a suitable site and of erecting a suitable building
and furnishing the same for educational purposes.

SECTION 10. The board of education aforesaid, or a ma- Issue of
jority of them, are hereby authorized, empowered and directed bonds.
to issue forty bonds of the denominations of fifty dollars each,
bearing interest at a rate not to exceed six per centum per
annum, redeemable in ten years from date, but nevertheless Redeemable
subject to redemption at the option of the said board of edu- When.
cation at any time prior to the expiration of the said term,
which shall be in the following form, to wit:

No. —. \$50.00. Form.
The Board of Public Education for School District No. 90,
in the Town of Bridgeville, Sussex County, ———, 188—.
These presents certify and make known that School Dis-
trict No. 90, in the Town of Bridgeville, Sussex County, is
held and firmly bound unto the bearer in the sum of fifty
dollars, lawful money of the United States of America, which
she binds herself to pay to the bearer on or before the ———
day of ———, A. D. 189—, subject to redemption at the
option of the board of public education of said district at any
time prior to the expiration of said term, with interest at the
rate of six per centum, payable at the office of the treasurer
of the board of public education aforesaid, on the ——— day
of ———, until the principal be paid. Dated at Bridgeville,
the ——— day of ———, 188—. Witness the seal of the
said corporation and the hands of the President, Secretary
and Treasurer of the Board of Public Education of School
District No. 90 in the Town of Bridgeville.

—————, *President.*
—————, *Secretary.*
—————, *Treasurer.*

The said bonds shall be numbered from one to forty, and Numbered
shall have coupons attached for the payment of interest, coupons.
numbers to correspond with the bonds and signed by the

OF FREE SCHOOLS.

treasurer of the board. The said bonds shall be signed by the president, secretary and treasurer of the board, and shall have the seal of the board affixed. The faith of School District No. 90 in the town of Bridgeville, Sussex County, is hereby pledged for the payment of the interest and principal of said bonds.

Special tax
for payment
of interest.

SECTION 11. The board of public education aforesaid are hereby authorized, empowered and directed to levy and collect an additional yearly tax which shall be levied upon the just and true value of the real estate of the persons in said School District No. 90, and at the same time as the tax is levied and collected for school purposes, which shall be sufficient to pay the annual interest on said bonds and also to create and establish a sinking fund sufficient to redeem the bonds at maturity.

Sinking
fund.

How applied

SECTION 12. The money accumulated in the sinking fund created by authority of the foregoing section, shall, on the first day of July of each and every year, be applied to the payment of the accrued interest on said bonds and to reducing and canceling outstanding bonds in such manner as the said board of education may devise.

Sale of bonds

SECTION 13. The treasurer of the board is hereby authorized and directed to negotiate the sale of the bonds authorized to be issued by Section 10 of this act, with the least possible delay after he shall have received the same, and shall receive a compensation for his services in negotiating the sale of the said bonds, or not, at the discretion of the board. The said bonds shall not be sold for less than their par value. The treasurer shall procure a suitable book, and before delivering the bonds shall register therein the name of each purchaser, together with the number of the bonds purchased, in regular numerical order.

Compensa-
tion.

Bonds reg-
istered.

School com-
mittee of
District 90
to make re-
port and pay
over moneys
due.

SECTION 14. The school committee of School District No. 90 shall exhibit their account and report, as mentioned in Section 20 of Chapter 42 of the Revised Code, to the meeting of the board of public education of the said incorporated School District No. 90 in the town of Bridgeville, Sussex county, to be held on the first Saturday of April next, and shall pay to the said board of education all money due from them; and if they neglect to do so for ten days they shall forfeit and pay to the said The Board of Public Education of

Penalty.

OF FREE SCHOOLS.

School District No. 90 in the town of Bridgeville, Sussex county, additionally the rate of twenty-five per cent. on the sum due.

Passed at Dover, April 5, 1883.

CHAPTER 64.

OF FREE SCHOOLS.

AN ACT to authorize the Board of Education of the Dover Public Schools to issue bonds.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

SECTION 1. That it shall and may be lawful for the Board of Education of Dover Public Schools to issue bonds to an amount not exceeding in the aggregate \$16,000, for the purpose of raising the necessary funds to pay any indebtedness which has been or may be contracted or incurred by the said The Board of Education of the Dover Public Schools in and for the erection, heating and completing the new public school building lately erected in the town of Dover, or for paving, fencing and fixing up the grounds appurtenant to the said building, which said bonds may be for such amount, or amounts, as the said board may deem proper. *Provided*, that in the aggregate they shall not exceed sixteen thousand dollars, and shall bear interest at any rate not exceeding six per centum per annum, and shall be payable at such time, or times, and in such manner as the said board may determine, and shall be under the hand of the president of the said board, be sealed with its corporate seal, and be attested by the secretary of the board.

May issue
bonds not
exceeding
\$16,000.
Purposes.

Denomina-
tion of bonds
Proviso.

How pay-
able.

How
attested.

SECTION 2. That it shall also be lawful for the said Board of Education of the Dover Public Schools to execute a mortgage, or mortgages, upon any real estate which may be owned by it, the better to secure the payment of the bonds authorized by this act, which said mortgage, or mortgages, shall be under the hand of the president of said board, be sealed with its corporate seal, and be attested by the secretary of the said board.

Mortgages.

Passed at Dover, April 10, 1883.

OF FREE SCHOOLS.

CHAPTER 65.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 37, 146 and 147 in Sussex County, under the title of "The Gumboro' Public School."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School Districts Nos. 37, 146, 147 consolidated SECTION 1. That School Districts Numbers 37, 146 and 147 in Sussex county, as now formed or may hereafter be formed under the laws of this State, be and they are hereby consolidated and shall be known as "The Gumboro' Public School," and shall have the same rights, privileges and powers as any other united school districts under any general law of this State.

Each district entitled to its share of school fund. SECTION 2. That in the distribution of the school fund to which the several counties of this State are entitled or may hereafter be entitled under any law of this State, the Trustee of the School Fund shall distribute to "The Gumboro' Public School" the full proportion to which they are now entitled as three districts in Sussex county.

Terms. When expire SECTION 3. That the terms of the school commissioners now acting as such in Districts Numbers 37, 146 and 147 in Sussex county, shall expire upon the passage of this act.

Board of directors. Who compose. SECTION 4. That on and after the passage of this act the following named persons shall constitute a board of directors for "The Gumboro' Public School," or until their successors may be chosen, viz: Silas Pennewill, George Truitt, Hiram J. Ake, L. T. Hearn and James E. Betts; and that on the first Saturday in April, A. D. 1884, the voters of the said districts consolidated under this act shall elect two directors for the term of three years in the places of Silas Pennewill and George Truitt, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1885, the voters of said districts consolidated shall elect two directors for the term of three years in the places of Hiram J. Ake and L. T. Hearn, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1886, the voters of the said districts consolidated shall elect one director for the term of three years in the place of James E. Betts, whose term of office shall then expire; and on the first

Election. When.

Terms of office.

OF FREE SCHOOLS.

Saturday in April thereafter, as their terms shall respectively expire, their successor or successors shall be elected for the period of three years, for the management of the said "The Gumboro' Public School;" but a failure to elect said board of directors at the time specified shall not act as a revocation of this act. Failure to elect.

SECTION 5. That the board of directors shall elect one of Officers. their number as president and one as secretary and treasurer, who shall hold their said offices during the continuance of their said term. The board of directors shall require the Bond. treasurer to give security, by bond or otherwise, for the faithful performance of his duty.

SECTION 6. That "The Board of Directors of the Gumboro' Public School" are hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and convey, by good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof, any real estate now belonging to the Districts Nos. 37, 146 and 147 in Sussex county, and by this act consolidated and composing "The Gumboro' Public School;" and also to purchase, take and hold, in fee simple, a suitable and convenient lot of land or site for a new building for the benefit of "The Gumboro' Public School;" and the said board of directors shall erect, or cause to be erected, said new building for the use of "The Gumboro' Public School," as hereinafter provided. Board of directors may convey certain real estate. May purchase lands and erect buildings.

SECTION 7. That "The Board of Directors of the Gumboro' Public School" are hereby authorized and empowered to borrow any sum of money not exceeding one thousand dollars, for the purpose of erecting a new building for the benefit of the Gumboro' Public School, authorized by Section 6 of this act. May borrow money. \$1,000. Purposes.

SECTION 8. That "The Board of Directors of the Gumboro' Public School" are hereby authorized to borrow at one time, or of one or more individuals, in different sums and at different times; *provided* that in the whole "The Board of Directors of the Gumboro' Public School" shall not borrow more than one thousand dollars for the purpose aforesaid. Power to borrow. Proviso.

SECTION 9. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, Loan. How secured.

OF FREE SCHOOLS.

Bonds. To whom payable. "The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of "The Board of Directors of the Gumboro' Public School," which bond or bonds shall be signed by the president of "The Board of Directors of the Gumboro' Public School," and attested by the secretary and treasurer thereof. The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum.

Levy and collect taxes for payment of debts and support of schools. SECTION 10. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of "The Gumboro' Public School," "The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Gumboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act, and for the continuance and support of "The Gumboro' Public School," and for the payment of the principal of said bond at maturity.

Bonds a lien No personal liability. SECTION 11. That the bond or bonds given by the said board of directors of "The Gumboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 37, 146 and 147, Sussex county, consolidated under the name of "The Gumboro' Public School;" and that no personal liability shall attach to the said the board of directors making said bond or bonds other than the common liability of all owners of real estate in said united districts.

Taxes uncollected belong to consolidated districts. Powers of collector. SECTION 12. That all taxes heretofore assessed in either of School Districts Numbers 37, 146 and 147 in Sussex county, and not yet collected, shall belong to and shall be due and owing to the said districts consolidated by virtue of this act as "The Gumboro' Public School;" and the said Directors of the Gumboro' Public School, or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to "The Gumboro' Public School."

OF FREE SCHOOLS.

SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death or resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term.

Vacancies
How filled.

SECTION 14. That all debts due and owing to the said Districts Numbers 37, 146 and 147 in Sussex county, shall be due and owing to "The Gumboro' Public School;" and the board of directors of 'The Gumboro' Public School shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act.

Debts due
original districts
belong to consolidated
districts.

SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 37, 146 and 147 in Sussex county, shall be the property of the said "The Gumboro' Public School," and the board of directors of "The Gumboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Gumboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to "The Gumboro' Public School," or for the recovery of the same.

Property of
original districts
belong to consolidated
district.

Recovery of
property

SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Gumboro' Public School."

Qualifica-
tion of voters

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Gumboro' Public School."

Passed at Dover, April 12, 1883.

OF FREE SCHOOLS.

CHAPTER 66.

OF FREE SCHOOLS.

AN ACT to transfer the farm and mansion of Dr. Albert Whiteley from School District No. 31 to United Districts Nos. 32, 75, 76 and 78, in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Certain real estate transferred to School Districts Nos. 32, 75, 76, and 78, Kent county. SECTION 1. That the farm and mansion of Dr. Albert Whiteley, now situated and lying in School District No. 31 in Kent County, be and the same is hereby transferred and shall hereafter constitute a part of United School Districts Nos. 32, 75, 76 and 78, in said county.

How assessed. SECTION 2. That from and after the passage of this act the aforesaid farm and mansion shall be assessed, for school purposes, in United School Districts Nos. 32, 75, 76 and 78, in Kent County.

Passed at Dover, April 12, 1883.

CHAPTER 67.

OF FREE SCHOOLS.

AN ACT to repeal Chapter 357, Vol. 16.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 357, Volume 16, repealed. SECTION 1. That the act entitled "An act to transfer certain real estate from one school district to another in New Castle County," passed at Dover, March 1st, 1881, (being Chapter 357 of Volume 16 of the Laws of Delaware,) be and the same is hereby repealed.

Passed at Dover, April 18, 1883.

OF INFECTIOUS DISEASES.

CHAPTER 68.

OF INFECTIOUS DISEASES.

AN ACT to provide for the Vaccination of Children in the Free Schools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. The trustees or commissioners of school districts, and boards of education, are required, within one month after the passage of this act, to oblige all children, applying for admission to the free schools, and all children who have previously been admitted to the said schools, to be vaccinated, unless already protected from small pox by vaccination or by an attack of small pox.

All children in free schools to be vaccinated.

Exception.

SECTION 2. The said commissioners or boards of education shall have a copy of the foregoing section posted at the door of every school house, for two weeks before it shall be carried into effect; such notice shall state how such free vaccination shall be procured under the provisions of this act.

Notice.

How vaccination shall be procured.

SECTION 3. Persons affected with diptheria, measles, scarlet fever, or small pox, shall be excluded from the schools until permission of the proper school officers for such persons to return is granted; and intercourse between pupils of the schools and the family or house, when there is any case of one of these contagious diseases, must be forbidden until the official permission is given to return to the school.

Who excluded from schools.

Time.

Intercourse forbidden.

SECTION 4. Every person who is unable to pay for vaccination, or every child whose parents or guardians are unable to pay for the same, not residing in the City of Wilmington, may be vaccinated by any physician or physicians who may be designated for that purpose by the Trustee of the Poor for each hundred; and for each person or child so vaccinated, such physician or physicians shall be paid by the Trustees of the Poor for the county the sum of fifty cents. Every such physician shall give a certificate of vaccination to the child so applying.

When vaccinated free from cost.

Physician paid by Trustee of the Poor in each hundred.

Certificate.

Passed at Dover, March 21, 1883.

OF PHYSICIANS.

CHAPTER 69.

OF PHYSICIANS.

AN ACT regulating the Practice of Medicine and Surgery in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Who shall
not practice.

Proviso.

Exception.

SECTION 1. That it shall not be lawful for any person to practice medicine or surgery in this State who has not graduated with the degree of Doctor of Medicine, and received a diploma from some Medical College authorized to grant diplomas. *Provided*, that the provisions of this section shall not apply to persons who have been eight years in continuous regular practice in this State, or who are now, or may hereafter be authorized by the Board of Medical Examiners of this State, as prescribed in Chapter 47, Section 3 of the Revised Code of the State of Delaware.

When guilty
of misde-
meanor.
Penalty.

SECTION 2. That any person who shall practice, or attempt to practice medicine or surgery, or shall prescribe for any sick person or persons, or perform any surgical operations for fee or reward, in violation of Section 1 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined, in a sum of not less than one hundred dollars, nor more than five hundred dollars, for each and every offense, at the discretion of the court; one-half of said fine to be for the use of the informer and the other half for the use of the State Board of Health.

Evidence of
authority to
practice to
be filed with
Clerk of the
Peace.

Clerk of
Peace to
issue license.

Proviso.

Fee.

SECTION 3. Any person who shall attempt to practice medicine or surgery by opening a transient office within this State, or who shall by handbills, or other form of written or printed matter or advertisement, assign such transient office or place to meet persons seeking medical or surgical advice or prescription, shall, before being allowed to practice as aforesaid, appear before the Clerk of the Peace of any of the counties of this State and furnish to him satisfactory evidence that the provisions of Section 1 of this act have been complied with; the said Clerk of the Peace shall thereupon issue to the person so applying a license to practice medicine and surgery in any of the counties of this State, *provided* that the person so applying shall pay or cause to be paid to the said Clerk of the Peace, as a license fee, the sum of two hundred dollars per annum for said privilege.

OF PHYSICIANS.

SECTION 4. The provisions of this act shall not apply to physicians who are regular practitioners of any other State coming into this State in consultation.

Not to apply
to certain
non-resident
physicians.

SECTION 5. That within ninety days after the passage of this act, every physician engaged in the practice of medicine or surgery in this State shall register, with the Clerk of the Peace of the county in which he resides, his name, date of graduation, and the college from which he was graduated, and make oath or affirmation that the diploma or certificate of his qualification to practice, which he is hereby required to exhibit to the Clerk of the Peace, is a bona fide diploma or certificate, and conferred upon him by the institution named therein, or that he has been a practitioner of medicine and surgery for eight years or more. Any person hereafter engaging in the practice of medicine or surgery in this State shall be required to register as above; any one failing to comply with the provisions of this section shall forfeit the sum of ten dollars, to be collected by the Clerk of the Peace, before any justice of the peace of the county, in the name of the State of Delaware; and all sums collected shall be appropriated as follows: One-half to the Clerk of the Peace, and one-half to be paid by him to the County Treasurer for county purposes.

Physicians
to register.
When and
where.

Oath.

Diploma or
certificate.

Failure to
comply.
Penalty.
How col-
lected.

How appro-
priated.

SECTION 6. That all acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 19, 1883.

CHAPTER 70.

OF PHYSICIANS.

AN ACT to amend Chapter 47 of the Revised Code of the State of Delaware, entitled "Of Physicians."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

SECTION 1. That Chapter 47 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of said Chapter after Section 6 thereof.

Chapter 47
of Revised
Code
amended.

Passed at Dover, April 11, 1883.

OF THE PUBLIC HEALTH.

CHAPTER 71.

OF THE PUBLIC HEALTH.

AN ACT to amend an act entitled "An act to establish a State Board of Health for the State of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 7 of
Chapter 21,
Volume 16,
amended.

SECTION 1. That Section 7 of the act entitled "An act to establish a State Board of Health in the State of Delaware," passed at Dover, March 13, 1879, and published in Volume 16 of the Laws of Delaware as Chapter 21, be and the same is hereby amended by striking out the figures "100" where they occur in the last line of said section and inserting in lieu thereof the figures "250."

Passed at Dover, February 7, 1883.

CHAPTER 72.

OF PHARMACY.

AN ACT to regulate the Practice of Pharmacy in the State of Delaware.

Preamble.

WHEREAS the skill of the physician to overcome disease depends largely upon obtaining reliable medicine, skillfully and intelligently prepared; and whereas many unskilled and unqualified persons are engaged in the sale and compounding of drugs, medicines, and chemicals, endangering thereby the health and lives of the public, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Illegal for
certain per-
sons to act
as pharma-
cists.

SECTION 1. On and after the first day of August, A. D. eighteen hundred and eighty-three, it shall be unlawful for any person or persons, unless a registered pharmacist within the meaning of this act, to open or thereafter conduct any pharmacy or store vending at retail, dispensing or compound-

OF PHARMACY.

ing medicine, or poisons, within the corporate limits of any town of five hundred inhabitants or over, except as hereinafter provided.

SECTION 2. Any person in order to be registered must be either a graduate of some reputable college of pharmacy or medicine, or have had a practical experience of three years continuously, or pass an examination before the State Board of Pharmacy, or who shall constantly have in his employ or service a chief clerk, partner, or assistant, with like qualifications; that the provisions of this section shall apply to those already conducting the business, while those desiring hereafter to establish themselves in the business of vending and compounding medicines as a pharmacist must pass an examination before the State Board of Pharmacy unless they are graduates of some recognized college of pharmacy or medicine, or have a chief clerk, partner, or assistant qualified as aforesaid.

SECTION 3. That at the annual meeting of the State Medical Association in June, next ensuing, said association shall recommend from among the most skilled and intelligent pharmacist in this State, five persons (graduates in pharmacy) from whom the Governor shall appoint, before the first day of July next, three men who shall constitute the State Board of Pharmacy; they shall hold their offices for three years, or until their successors are duly appointed; that each member, within five days after being notified of his appointment, take an oath for the impartial and faithful performance of his duties.

SECTION 4. The members of said board shall receive no compensation; but shall be entitled to pay necessary expenses incurred out of any funds coming to their hands, a detailed account of which shall be carefully kept. There shall be collected by said board from each person entitled to be registered without examination the sum of one dollar, and from each person undergoing an examination, as provided in section second, five dollars; all moneys remaining in the hands of said board, after paying necessary expenses, shall be paid to the public school fund of the State.

SECTION 5. That no proprietor or manager of a store shall permit any clerk who has had less than one year's practical experience, to compound or dispense any physician's prescriptions unless under the immediate eye of the proprietor

OF PHARMACY.

or a qualified assistant, being one who has had four years practical experience or who is a registered pharmacist.

Violation of
act.

Misde-
meanor.
Penalty.

SECTION 6. Any person or persons found vending, dispensing or compounding medicine in violation of this act, after the time specified in Section first, shall be deemed guilty of a misdemeanor, and be liable to indictment with fine and costs, not less than fifty dollars nor more than one hundred dollars for each week they conduct their business in violation of this act.

Record of
sales of
poisons to
be kept for
inspection.
Proviso.

SECTION 7. Every dispenser of drugs shall keep a record of all sales of strychnine, arsenic, opium or its preparations, unless prescribed by a physician, and the said record shall be open to inspection by proper legal authority. *Provided* that nothing in this act shall prohibit the sale of commercial drugs, in general stores, and this section shall not be deemed to require the keeping of a record in such stores of sales of the preparations of opium.

Passed at Dover, April 17, 1883.

TITLE SEVENTH.

Of the Poor, the Insane, Deaf and Dumb, and the Blind.

CHAPTER 73.

CONCERNING ALMSHOUSES AND THE POOR.

AN ACT in relation to the Trustees of the Poor of New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the real estate of the Trustees of the Poor of New Castle County, to be conveyed by them to trustees, and by said trustees to be sold, as provided in Sections 3 and 4 of the act entitled "An act authorizing the Levy Court of New Castle County to make a loan for the benefit of the Trustees of the Poor of New Castle County," passed at this session on March 30th, 1883, shall include and extend to all the real estate of said Trustees of the Poor of New Castle County situate within the present limits of the City of Wilmington, except that lot of land on the north side of Sixth street between Shipley and Orange streets, where is erected the building No. 105 West Sixth street, used as an office for said Trustees of the Poor, which is hereby exempted from the provisions of said act, and which shall continue to belong, as formerly, to said Trustees of the Poor of New Castle County.

Real estate of the Trustees of the Poor.
Limits.
Exception.
Exemption.

Passed at Dover, April 19, 1883.

OF FREE SCHOOLS.

"The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of "The Board of Directors of the Gumboro' Public School," which bond or bonds shall be signed by the president of "The Board of Directors of the Gumboro' Public School," and attested by the secretary and treasurer thereof. The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum.

Bonds. To whom payable.

Levy and collect taxes for payment of debts and support of schools.

SECTION 10.- That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of "The Gumboro' Public School," "The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Gumboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act, and for the continuance and support of "The Gumboro' Public School," and for the payment of the principal of said bond at maturity.

SECTION 11. That the bond or bonds given by the said board of directors of "The Gumboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 37, 146 and 147, Sussex county, consolidated under the name of "The Gumboro' Public School;" and that no personal liability shall attach to the said the board of directors making said bond or bonds other than the common liability of all owners of real estate in said united districts.

No personal liability.

Taxes uncollected belong to consolidated districts.

Powers of collector.

SECTION 12. That all taxes heretofore assessed in either of School Districts Numbers 37, 146 and 147 in Sussex county, and not yet collected, shall belong to and shall be due and owing to the said districts consolidated by virtue of this act as "The Gumboro' Public School;" and the said Directors of the Gumboro' Public School, or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to "The Gumboro' Public School."

OF FREE SCHOOLS.

SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death or resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term.

Vacancies
How filled.

SECTION 14. That all debts due and owing to the said Districts Numbers 37, 146 and 147 in Sussex county, shall be due and owing to "The Gumboro' Public School;" and the board of directors of "The Gumboro' Public School" shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act.

Debts due
original dis-
tricts belong
to consoli-
dated dis-
tricts.

SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 37, 146 and 147 in Sussex county, shall be the property of the said "The Gumboro' Public School," and the board of directors of "The Gumboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Gumboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to "The Gumboro' Public School," or for the recovery of the same.

Property of
original dis-
tricts belong
to consoli-
dated dis-
trict.

Recovery of
property

SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Gumboro' Public School."

Qualifica-
tion of voters

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Gumboro' Public School."

Passed at Dover, April 12, 1883.

OF THE INSANE.

CHAPTER 77.

OF THE INSANE.

AN ACT in relation to Insane Prisoners.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

When Court of General Sessions of the Peace and Jail Delivery, or judge thereof, may appoint three persons to inquire into sanity.

Report, when.

If found insane.

When committed to jail or almshouse.

Power of examiners.

Witnesses. How summoned.

Fees.

Compensation of examiners.

SECTION 1. When any person shall be confined in jail as a convict or otherwise, and if as a convict either before or after the sentence of the court shall have been pronounced against him, and there exists any reasonable ground to believe that he is insane, it shall be lawful for the Court of General Sessions of the Peace and Jail Delivery of the county where such person is confined as aforesaid, or any judge thereof, upon application in writing, by any citizen of said county, to appoint three judicious and competent persons of the said county to examine and inquire into the sanity of said prisoner and report their finding to the said court or judge, as the case may be, under oath or affirmation, within ten days after their appointment. If by said report they shall find that the prisoner "*is not insane*" he shall be sentenced, if an unsentenced convict, or if otherwise he shall remain in custody until discharged by due course of law; but if they shall find the said prisoner "*to be insane*," the said court or judge, as the case may be, shall, if the said prisoner be charged or convicted of a capital felony, detain him in the county jail; but if he shall be charged or convicted of a lesser offense, may, in its or his discretion, issue an order to the sheriff of the county in whose custody the said prisoner may be, commanding him forthwith to take and deliver said prisoner at the almshouse of said county, to the keeper thereof, who shall receive him and keep him as other insane persons are kept until such time as the said court or judge, upon application, shall order him discharged or returned to said jail to be dealt with according to law. The examiners appointed as aforesaid shall have power to hear evidence and take the testimony of witnesses, and to this end may use the process of the Court of General Sessions as aforesaid for compelling the attendance of witnesses before them, which witnesses shall be allowed the same fee as witnesses in criminal cases and paid by the county in the same manner.

SECTION 2. The examiners, or persons authorized to be appointed in section one of this act, shall receive for their

OF THE INSANE.

services such compensation as the said court or judge shall approve, not exceeding, in the aggregate, the sum of sixty dollars, which shall be allowed to them by the Levy Court of the county in which the proceedings shall be had. The sheriff shall also receive a fee of two dollars, to be paid in a like manner, for executing the order for the removal of said prisoner. Fee of Sheriff.

Passed at Dover, April 12, 1883.

CHAPTER 78.

OF THE INSANE.

AN ACT to amend an act entitled "An act in relation to Insane Prisoners," passed at Dover, April 12th, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the act entitled "An act in relation to insane prisoners," passed at Dover, April 12th, 1883, be and the same is hereby amended by striking out all after the enacting clause and substituting in lieu thereof the following: Act in relation to insane prisoners, passed April 12, 1883, amended.

SECTION 1. That whenever, in a capital case, it shall appear to the court in any manner that the prisoner has become insane after conviction and before sentence, the said court shall have power, with a view of informing its own mind upon the subject, to appoint a commission, to be composed of experienced and practical men, two at least of whom shall be practising physicians, to inquire of the mental condition of such prisoner, and make report of their finding to the said court, within one month from the date of their appointment, by writing, under their hands and seals. They shall have power to examine witnesses on oath, and to order the taking of testimony out of the State by commission, to be issued in the usual form by the Clerk of the Court of Oyer and Terminer. When Court may appoint commission to inquire into mental condition of prisoners. Report. When made. Powers of commission.

SECTION 2. Should the report of the commission be that the prisoner is insane, he shall be remanded to the custody of the sheriff until the further order of the court. Should he When prisoner remanded.

OF THE INSANE.

When sentence pronounced. recover his reason after such remand, he shall receive the sentence appointed for his crime. And to avoid any unnecessary delay or uncertainty, the court trying the prisoner shall adjourn from term to term of the Court of General Sessions of the Peace and Jail Delivery until sentence can properly be passed. Whether he have so recovered his reason may be established to the court by any evidence it may choose to consider for that purpose, and need not be by commission.

Court may adjourn from term to term.

Evidence of recovery of reason. How established.

Notification of appointment of commission. SECTION 3. The clerk of the court, upon the appointment of a commission, shall forthwith notify the members of it by a paper, to be delivered to each by the sheriff, under the hand of the clerk and the seal of the court, and the commission shall be issued to them and be delivered by the sheriff to one of them within one week after their appointment. They shall receive for their services a reasonable compensation, in the discretion of the court, not to exceed sixty dollars, to be paid by the county treasurer upon orders under the seal of the court, countersigned by a judge of the court; and the provisions of this act shall apply to cases where any person shall have been already convicted and not yet sentenced as well as to cases that may occur after the passage of this act.

Compensation.

How paid.

Fees of witnesses and officers. SECTION 4. The fees of witnesses, sheriff and clerk, and the expenses of a commission to take depositions, shall be the same as in cases of similar service, to be paid as other State costs are in capital cases.

SECTION 2. That in all future editions of the laws of this State the said act passed April 12, 1883, shall be published as hereby amended.

Passed at Dover, April 18, 1883.

OF THE INSANE.

CHAPTER 79.

OF THE INSANE.

AN ACT in relation to Insane Prisoners, as amended by the act entitled "An act to amend an act entitled 'An act in relation to Insane Prisoners.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That whenever, in a capital case, it shall appear to the court in any manner that the prisoner has become insane after conviction and before sentence, the said court shall have power, with a view of informing its own mind upon the subject, to appoint a commission, to be composed of experienced and practical men, two at least of whom shall be practising physicians, to inquire of the mental condition of such prisoner and make report of their finding to the said court, within one month from the date of their appointment, by writing, under their hands and seals. They shall have power to examine witnesses on oath, and to order the taking of testimony out of the State by commission, to be issued in the usual form by the Clerk of the Court of Oyer and Terminer.

When Court may appoint commission to inquire into mental condition of prisoners.

Report.
When made.
Powers of commission.

SECTION 2. Should the report of the commission be that the prisoner is insane, he shall be remanded to the custody of the sheriff until the further order of the court. Should he recover his reason after such remand, he shall receive the sentence appointed for his crime. And to avoid any unnecessary delay or uncertainty, the court trying the prisoner shall adjourn from term to term of the Court of General Sessions of the Peace and Jail Delivery until sentence can properly be passed. Whether he have so recovered his reason may be established to the court by any evidence it may choose to consider for that purpose, and need not be by commission.

When prisoner remanded.

When sentence pronounced.

Court may adjourn from term to term.
Evidence of recovery of reason.
How established.

SECTION 3. The clerk of the court, upon the appointment of a commission, shall forthwith notify the members of it by a paper, to be delivered to each by the sheriff, under the hand of the clerk and the seal of the court, and the commission shall be issued to them and be delivered by the sheriff to one of them within one week after their appointment. They

Notification of appointment of commission.

OF TOWNS, ETC.

Proviso.
Owners
when not
required to
appear in
open court.
Application
for license
by agent, etc

When guar-
dian or
trustee may
apply.

When mar-
ried woman
is owner,
husband
may apply.

in the ninth line of said section, and before the word "The," in the tenth line of the same, the following words: "*Provided, however,* that when the owner or owners of such house shall be non-residents of this State, or unable, by reason of sickness or otherwise, to appear in open court, then and in such case such application may be made, filed, presented and sworn to by some credible person, duly authorized by such owner or owners, or some one of them; or, if such owner or owners shall be minors or insane, that then and in such case such application shall be made, filed, presented and sworn to as aforesaid, by the guardian or trustee of such owner or owners, or by some credible person, for such owner or owners, or in such manner as the court may order and direct; or, if such owner shall be a married woman, that then and in such case such application may be made, filed, presented and sworn to by her husband.

Passed at Dover, February 28, 1883.

CHAPTER 82.

OF TOWNS, ETC.

An Additional Supplement to the act entitled "An act for the Suppression of Intemperance."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Additional
supplement
to Chapter
384, Vol. 16.

Compensa-
tion of bailiff
paid by State
Treasurer.
Certificate
of Attorney
General.

SECTION 1. The additional bailiff provided for in the 10th section of the act entitled "An act for the suppression of intemperance," passed at Dover, April 5, 1881, shall be paid by the State Treasurer at the rate of three dollars for every day actively spent in the discharge of his duty, upon the certificate of the Attorney General, as provided in said section.

SECTION 2. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Passed at Dover, March 21, 1883.

OF TOWNS, ETC.

CHAPTER 83.

OF TOWNS, ETC.

AN ACT regulating the Sale of Intoxicating Liquors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. Hereafter all licenses to sell intoxicating liquors shall be granted to the tenant or occupant of the house described in the petition. The object of this section being to change the license from a *house* to a *person*, and to make the tenant or occupant of the house the applicant; where notice of the application has already been given under the present law, the license, if issued, shall be to the person giving such notice of application.

Licenses for sale of intoxicating liquors granted to tenant or occupant of the house. Object.

SECTION 2. That Section 4, Chapter 381, Volume 15, Laws of Delaware, be and the same is hereby re-enacted.

Section 4, Chapter 381, Volume 15, re-enacted.

SECTION 3. That all acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, March 28, 1883.

CHAPTER 84.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 384, Volume 15 of the Laws of Delaware, as amended by Chapter 389 of Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives in General Assembly met :

SECTION 1. That Section one of Chapter 384, Volume 15 of the Laws of Delaware, as amended by Chapter 389 of Volume 16 of the Laws of Delaware, be and the same is hereby amended by striking out the word "first" in the fifteenth line of said section, and inserting in lieu thereof the word "twentieth"; and by striking out the word "October" in the sixteenth line thereof and inserting in lieu thereof the word "August".

Section 1 of Chapter 384, Volume 15, as amended by Chapter 389, Volume 16 amended.

Passed at Dover, March 13, 1883.

OF FISH, OYSTERS AND GAME.

CHAPTER 85.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 391 of Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sections 1
and 2 of
Chapter 391,
Volume 16,
amended.

SECTION 1. That Chapter 391 of Volume 16 of the Laws of Delaware, entitled "An act in relation to fishing in the Nanticoke River in this State, and for other purposes," be and the same is hereby amended by striking out the word "twentieth" when it occurs in lines four of Sections 1 and 2 of said chapter and inserting in lieu thereof the word "thirty-first."

Passed at Dover, April 19, 1883.

CHAPTER 86.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 390, Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1 of
Chapter 390,
Volume 16,
amended.

Proviso.

Residents
may get
oysters in
Simon's
creek.

Unlawful to
take oysters
between first
of July and
20th of
August.
Misde-
meanor.
Penalties.

SECTION 1. That Chapter 390, Volume 16 of the Laws of Delaware be and the same is hereby amended by inserting between the word "vessels," in line 40, and the word "all," in line 41 of said section, the words following, viz: *provided however*, that nothing contained in the provisions of this act shall apply to residents of this State taking or catching oysters in Simon's Creek for their own use or for the purpose of sale, either in this State or to residents thereof. It shall not be lawful for any person or persons to catch or take any oysters in the waters of said creek between the first day of July and the twentieth day of August, and any person so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the like penalties as are provided in this section.

Passed at Dover, April 19, 1883.

OF FISH, OYSTERS AND GAME.

CHAPTER 87.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 387, Vol. 15, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Chapter 387, Vol. 15, Laws of Delaware, be and the same is hereby amended by striking out the words "seventy-five," in eighth line of Section 1, and inserting the words "two hundred" in lieu thereof.

Section 1 of
Chapter 387,
Volume 15,
amended.

SECTION 2. *And be it further enacted,* That the said Chapter 387 be further amended by striking out all of Section 2 and inserting the following in lieu thereof :

SECTION 2. That it shall not be lawful for any person or persons to fish any seine or seines, after the first day of November next until the first day of March following, without having at least thirty yards of seine in centre not less than one and one-half inches square mesh; and that it shall be unlawful for any person or persons to obstruct the fisheries by the laying out of any seine across the channel. Any person or persons violating any of the provisions of this section shall be liable to the same penalties as provided in Section 1 of Chapter 387, Vol. 15, Laws of Delaware.

Passed at Dover, March 20, 1883.

CHAPTER 88.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection of Game.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful for any person to ship, or attempt to ship, for the purpose of selling elsewhere,

OF FISH, OYSTERS AND GAME.

Unlawful to sell into another State certain game without license. License. at any season of the year, any partridge, quail, woodcock, or rabbit, that have been shot or trapped in this State, into any other State, without having first obtained from the Clerk of the Peace of one of the counties of this State a license permitting the person named therein to sell or ship the same beyond the limits of the State for one year from the day on which said license is issued, and that the person named therein, or the party procuring such license, shall pay to the Clerk of the Peace the sum of fifty dollars, and also fifty cents to the Clerk of the Peace for his fee for issuing such license. Any person violating the provisions of this section by selling or shipping game for sale shall be fined the sum of five dollars for every partridge, quail, rabbit or woodcock sold or shipped, or attempted to be shipped.

Penalty, \$5.

Not lawful to purchase certain game for the purpose of selling again, without license.

SECTION 2. *Be it further enacted*, That it shall not be lawful for any person or firm in this State to purchase, for the purpose of selling again to any person in this State, any partridge, quail, rabbit, or woodcock, without having first obtained from the Clerk of the Peace of one of the counties of this State a license permitting the person or firm named therein to sell the same for one year from the day on which said license is issued, and that the person named therein, or the party procuring such license shall pay to the Clerk of the Peace the sum of twenty-five dollars, and also fifty cents to the Clerk of the Peace for his fee for issuing such license. Any person violating the provisions of this section by selling game shall be fined the sum of five dollars for every partridge, quail, rabbit, or woodcock sold.

License, \$25.

Penalty, \$5.

Express and transportation companies not allowed to transport for sale.

SECTION 3. That if any express or transportation company shall knowingly or willfully receive or take into its possession, for the purpose of transporting for sale, any partridge, quail, rabbit, or woodcock that has been shot or trapped at any time in violation of this act, it shall be fined not less than twenty dollars for each partridge, quail, rabbit, or woodcock so found in its possession, upon conviction thereof before any justice of the peace in this State.

Penalty, \$20.

Justice of the Peace has jurisdiction.

Non-resident trespassers liable to arrest.

SECTION 4. *Be it further enacted*, That any non-resident or non-residents found trespassing upon any private property in this State, with either dog or gun, not having a license from the Delaware Game Protective Association, shall be liable to be arrested by any constable of the county where the non-resident or non-residents were found trespassing, and shall be deemed guilty of a misdemeanor, and, on conviction

OF FISH, OYSTERS AND GAME.

thereof before any justice of the peace of said county, shall be fined the sum of twenty dollars, and on failure to pay said fine shall be confined in the county jail for a term of not less than ten nor more than twenty days.

Fine, \$20.
Failure to
pay, com-
mitted to
jail.
Term.

SECTION 5. *Be it further enacted*, That the fines which may be collected by any justice of the peace of the State under the provisions of this act, and the money paid to the Clerks of the Peace under the provisions of this act, shall be paid to the Secretary of the Delaware Game Protective Association, to be by him, or by the said Delaware Game Protective Association, used for purchasing birds for propagation.

Fines, etc.
To whom
paid.

SECTION 6. *Be it further enacted*, That it shall be the duty of the constables in the several counties of this State to arrest any person or persons violating any of the provisions of this act and take them before the nearest justice of the peace, to be dealt with as this act has heretofore directed.

Duties of
constable.

SECTION 7. That nothing in this act shall be construed in any way so as to prohibit or prevent any one gunning, for his own sport and amusement, in either of the counties, [or] from taking, carrying or sending, by railroad, water, or otherwise, into either of the other counties such partridge, quail, woodcock, or rabbit, as he shall have shot or obtained in the manner in this section mentioned.

To whom
the provi-
sions of this
act shall not
apply.

Passed at Dover, March 26, 1883.

CHAPTER 89.

OF FISH, OYSTERS AND GAME.

AN ACT in relation to Game.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 392, Volume 16, Laws of Delaware, be and the same is hereby amended by inserting the word "woodcock" between the word "grouse" and the word "or" in line nine of section one of said act.

Section 1,
Chapter 392,
Volume 16,
amended.

Passed at Dover, April 20, 1883.

OF FISH, OYSTERS AND GAME.

CHAPTER 90.

OF FISH, OYSTERS AND GAME.

AN ACT for the Culture and Protection of Fish.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. At any time after Edward O. Shakespeare, his heirs, executors, administrators, or assigns shall have stocked, or caused to be stocked, with fish, the mill-pond located near the town of Dover and known as Shakespeare's Mill pond, a declaration to that effect, and setting forth that fact, may be filed for record in the office of Recorder of Deeds for Kent County, and it shall then be the duty of the Recorder of Deeds of said county to enter such declaration upon the public records.

Shakespeare's mill-pond stocked with fish.

Declaration. Where filed for record.

After notice, unlawful to fish in said pond.

Violation misdemeanor.

Penalty.

SECTION 2. After the filing of said declaration and the posting of public notice thereof in at least four conspicuous places at or near the bounds of the said mill-pond, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to go upon the waters of the said mill-pond, or upon the land appertaining to that mill-seat, with hook, spear, bob, line, net, scoop, wire, wier, seine, boat, or any other implement or means whatsoever used in the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not less than one month nor more than one year, and fined not less than twenty dollars (one-half of which shall go to the State, the other half to the informer), either, or both, at the discretion of the court.

Unlawful for any person to set net, etc., for fishing.

Violation misdemeanor. Penalty.

SECTION 3. After the filing and publication of the declaration as aforesaid, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to fish in the waters of the said mill-pond, or to place or set therein any net, wier, wire, seine, or other implement for the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be imprisoned not less than one month and fined not

OF FISH, OYSTERS AND GAME.

less than twenty dollars (one-half to go to the State, the other half to the informer), either, or both, at the discretion of the court.

SECTION 4. After the filing and publication of the declaration as aforesaid, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to take from the said mill-pond any fish, fish spawn, or fish food. Any person so offending shall be deemed guilty of larceny, and upon conviction thereof shall be punished accordingly.

Unlawful to take fish from the pond.

Larceny.

Penalty.

SECTION 5. After the filing and publication of the declaration as aforesaid, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to place in the waters of the said mill-pond any fish or fish spawn, or to do any other act or thing whereby the successful and profitable propagation and culture of fish therein may be prevented, impeded, or in any way hindered, or the fish become injured or destroyed. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be imprisoned not less than one month and fined not less than one hundred dollars (one-half to go to the State, the other half to the informer), and shall pay to the person injured full damages for the injury done.

Unlawful to place any fish, etc., in pond.

Violation misdemeanor.

Penalty.

SECTION 6. It shall be lawful for Edward O. Shakespeare, his heirs, executors, administrators, or assigns, either personally or by agent (and for no other person), to do any and every act and thing, and use any and every means and appliance necessary or advantageous for the stocking, culture and propagation of fish in the waters of the said mill-pond, and for restraining the fish within the limits thereof, and for their capture and sale from time to time.

Edward O. Shakespeare may do what is necessary for culture and propagation of fish.

SECTION 7. Nothing in this act shall be construed in derogation or curtailment of any rights or privileges which may at present be vested in the said Edward O. Shakespeare as owner, in fee simple, of the land covered by the waters of the said mill-pond.

SECTION 8. This act shall be deemed and taken to be a public act, and all acts or parts of acts inconsistent therewith are hereby repealed.

Passed at Dover, March 27, 1883.

OF FISH, OYSTERS AND GAME.

CHAPTER 91.

OF FISH, OYSTERS AND GAME.

AN ACT to enable Thomas B. Coursey to stock his Mill-Pond with Fish.

Preamble. WHEREAS James D. Tomlinson, William E. England, John A. Moore, and Joseph H. Boone (together with Thomas B. Coursey) owners of the land lying along and forming the bed of the waters known as Spring Mills pond, situated in Milford and South Murderkill Hundreds, in Kent County, have presented a petition to the General Assembly of this State, at its present session, requesting the passage of a bill authorizing the said Thomas B. Coursey to stock said pond with fish, and to give him full power and protection in the propagation and culture of fish, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. At any time after Thomas B. Coursey, his heirs, executors, administrators, or assigns, shall have stocked, or caused to be stocked, with bass, carp, or other kind of fish, the mill-pond known as Spring Mills pond, situate and lying partly in South Murderkill and partly in Milford hundreds, Kent County and State of Delaware, or shall have placed in, or cause to be placed in said mill-pond, any fish for the purpose of propagating fish and stocking the waters of said mill-pond with fish, a declaration made in writing by the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, or one of them, duly acknowledged before a notary public for the State of Delaware, setting forth the fact of having stocked the said mill-pond with fish, or of the placing of fish in the said mill pond for propagation and culture, may be filed in the office of the Recorder of Deeds in and for Kent County; and it shall be the duty of the Recorder of Deeds of said county to record said declaration in the deed records of his office, and to index the same as other papers are indexed, and when so recorded [it] shall be a public record, and the Recorder shall be entitled to the same compensation as is now provided by law for like services in said office.

SECTION 2. That the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, or one of them, shall, after the filing of said declaration mentioned in the first sec-

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tion of this act, give notice, by posting in at least four public places within one mile of said mill-pond, by either written or printed notices, stating that he or they have stocked the said mill-pond with fish, or placed therein fish for propagation or culture.

SECTION 3. That after filing of said declaration for record and the posting of said notices, it shall be unlawful for any person, without the consent of the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, to go upon the waters of the said mill-pond or upon the land bordering upon or adjacent to said mill-pond, with hook, spear, bob-line, net, scoops, wire, wier, seine, boat, or other implement or means whatsoever used in the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be imprisoned for not less than ten days nor more than three months, and shall be fined not less than ten dollars, one-half of which shall go to the informer, the other half to the use of the State.

After notice,
unlawful to
fish in said
pond.

Violation
misde-
meanor.
Penalty.

SECTION 4. It shall be unlawful for any person, without the consent of the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, to fish in the waters of the said mill-pond, or to place or to set therein any net, wier, wire or seine, or other implement for the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be imprisoned not less than thirty days and fined not less than ten dollars, one-half of which shall go to the informer, the other half for the use of the State; and the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, or either of them, may destroy any net, wier, wire, seine, boat, or other implement used on said mill-pond, or in the water thereof, for the capture of fish.

Unlawful to
set net, etc.,
for fishing.

Violation
misde-
meanor.
Penalty.

SECTION 5. It shall be unlawful for any person, without the consent of the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, to take from the said mill-pond, any fish, fish-spawn or fish-food. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars and be imprisoned not less than three months.

Unlawful to
take fish
from said
pond.

Misde-
meanor.
Penalty.

SECTION 6. It shall be unlawful for any person, without the consent of the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, to place in the waters of said

Unlawful to
place any
fish, etc., in
pond.

OF FISH, OYSTERS AND GAME.

Violation
misde-
meanor.
Penalty.

mill-pond any fish or fish-spawn, or to do any other act or thing whereby the successful and profitable propagation and culture of fish therein may be prevented, impeded, or in any way hindered, or the fish become injured or destroyed. Any person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, for each offense, be imprisoned not less than one month, and be fined not less than one hundred dollars; one-half of which shall go to the informer and the other half shall be for the use of the State, and shall be liable to the person injured full damages for the injury done, to be recovered before any tribunal where like amounts are recoverable by law.

Thomas B.
Coursey
may do
what is nec-
essary for
culture and
propagation
of fish.

SECTION 7. It shall be lawful for the said Thomas B. Coursey, his heirs, executors, administrators, or assigns, either personally or by his or their agents (and for no other person or persons), to do any and every act or thing, and use any and every means and appliance necessary or advantageous for the stocking, culture and propagation of fish in the waters of the said mill-pond, and for restraining the fish within the limits thereof, and for their capture and sale from time to time.

Certain priv-
ileges
granted.

SECTION 8. That nothing in this act shall be [in] derogation or curtailment of any rights or privileges which may at present be vested in the said Thomas B. Coursey in the said mill-pond or the waters thereof; and nothing in this act shall prohibit or prevent the catching of any fish in said mill-pond, by angling, or with a hook and line, that are natural to said waters on the passage of this bill.

SECTION 9. This act shall be deemed and taken to be a public act, and all acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 18, 1883.

OF STRAYS.

CHAPTER 92.

OF STRAYS.

AN ACT in reference to Live Stock Running at Large in the several School Districts of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large in any school district in Sussex county whenever the legal voters of said district, by a vote at any election held for such purpose, have decided by a clear majority of all the legal votes cast at said election that they are entitled to the provisions of this act.

Unlawful for live stock to run at large in any school district in Sussex county. When. Election.

SECTION 2. It shall be lawful for any person within the limits of said school districts which is entitled to the privileges of this act, to take up any live stock running at large upon the public highways or uninclosed lands within the district and impound the same, and they shall have the right to demand and receive the sum of one dollar for each animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

When lawful for any person to take up and impound estrays in any district.

Compensation.

SECTION 3. Notice shall be given by the person impounding said stock to the owner or owners thereof, by posting, in five of the most public places in said district, a description of the stock, with marks, if any, of the same.

Notices.

Description of stock.

SECTION 4. That in case any damage may have been sustained by reason of such stock running at large and trespassing upon the highways or uninclosed lands within the aforesaid limits, any justice of the peace in the county where such lands are located shall appoint three suitable, disinterested persons to estimate such damages, which, together with the legal charges for taking up and keeping such stock, shall be paid by the person claiming the same, together with one dollar to the justice of the peace, and one dollar each to the persons assessing the damages, before the stock is delivered to the owner or owners thereof.

In case damages are sustained justice of the peace may appoint three persons to estimate the same.

Fee.

OF STRAYS.

If unclaimed
within 30
days, to be
advertised
for sale.

Notices.

Sale.

Proceeds to
be deposited
with any
constable in
county.
How long.

When paid
over to clerk
of school
district in
which stock
is taken.

Meeting for
election.

Notices.

Ballot.

Who judge
and inspec-
tor of elec-
tion.

Duty of
officers.

General
election laws
applicable.

Duty of
Clerk of
election.

Vacancies.
How filled.

SECTION 5. That in case such stock so impounded is not claimed, and all just charges paid in accordance with this act within thirty days, the person having such stock in charge shall advertise the same at public sale, and shall give not less than ten days printed or written notices of said sale, posted in five of the most public places in the district in which stock was taken up, at the expiration of which he shall proceed to sell the same, at public auction, to the highest bidder for cash. The proceeds of such sale, after deducting all just charges, shall be deposited with some constable in the county, who, together with his securities, shall be liable on his official bond, and who shall hold the same for one year, if not sooner claimed by some person, who shall prove, to the satisfaction of said constable, that they are the owners of said stock. If not so claimed, it shall be subject to and paid over on the order of the clerk of said school district in which said stock was taken up, to be devoted to school purposes in said district.

SECTION 6. Ten residents and legal voters of any school district in the county may call a meeting for the purpose of holding an election under the provisions of this act, by posting a written or printed notice in five of the most public places in the district, setting forth fully the object of the meeting.

SECTION 7. All elections held under the provisions of this act shall be by ballot.

SECTION 8. The chairman of the last preceding annual school meeting shall be the judge of election, and the clerk elected at such annual school meeting shall be the inspector at any election held in said school district for the above purpose, whose duty it shall be to receive the votes and take proper care that the election is fairly conducted under the provisions of this act, and shall be governed by the same laws as are applicable to the general elections held in this State for representatives to the General Assembly.

SECTION 9. Before proceeding to vote, the legally qualified voters present shall elect a clerk who is a legal voter in said district, whose duty shall be to keep a correct copy of the proceedings of the election, and properly attest the same when concluded.

SECTION 10. If, from any unavoidable cause, the judge or inspector named in this act are unable to attend to their

OF STRAYS.

respective duties, the legal voters present at any meeting held under this act shall proceed to elect from those present, by acclamation, a suitable person or persons to take their place; and the judge, inspector and clerk are hereby authorized to administer the oath or affirmation to each other.

SECTION 11. The result of the election shall be certified to by the judge and inspector, and attested by the clerk, and if a clear majority of the voters voting at said election have decided, by their ballots, for a stock law in said district, the certificate shall be filed in the office of the Clerk of the Peace for said county, and shall be conclusive evidence of the intention of the voters at such election. The polls shall be kept open not less than two hours, nor more than three hours, at any election held under this act.

Certificates.
Where filed.

Evidence.
Polls kept
open. Time.

SECTION 12. The provisions of this act shall not apply to any school district where a stock law now exists, and the power to repeal any stock law under this act is reserved to the Legislature.

When not
applicable.

Passed at Dover, April 19, 1883.

CHAPTER 93.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 89 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to be allowed to run at large on the highways or uninclosed lands within the limits of School District No. 89 in Sussex County.

Not lawful
for live stock
to run at
large in
School Dis-
trict No. 89
in Sussex
county.

SECTION 2. That it shall be lawful for any person in said school district to take up any live stock running on the highways or uninclosed land in said district and impound the same; and they shall have the right to demand and receive

Lawful for
any person
to take up
and impound
strays.

OF STRAYS.

Compensation. one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; *provided* that any person impounding such stock shall first give notice to the owner of said stock so impounded, if known; if not known, shall give public notice, by three written or printed advertisements posted in public places in said district.

Notice. If damages sustained by reason of stock running at large, any justice of the peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate the same.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate said damage, which, together with the legal charge for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

SECTION 4. That in case the said stock is not claimed, and all just charges, in accordance with this act, satisfied within twenty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in said district in which said stock was taken up; at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with the clerk of said school district, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of said clerk, that they were the real owner or owners of said stock; if not so claimed, it shall be subject to and used by said clerk of said district in which the stock was taken up for school purposes of said district.

Sale. Proceeds deposited with the clerk of school district if unclaimed.

Passed at Dover, February 13, 1883.

OF STRAYS.

CHAPTER 94.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 41 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the limits of School District No. 41 in Sussex County.

Not lawful for live stock to run at large in School District No. 41 in Sussex county.

SECTION 2. That it shall be lawful for any person within the said limits in said school district to take up any live stock running at large upon the public highways or uninclosed lands within the aforesaid limits and impound the same, and they shall have the right to demand and receive the sum of one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all the legal charges are paid.

Lawful for any person to take up and impound estrays.

Compensation.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large upon the public highways or uninclosed lands within the aforesaid limits, any justice of the peace in the said county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for taking up and keeping said stock, shall be paid by the person claiming the same, together with one dollar to the justice of the peace and one dollar to each of the freeholders, before the same is delivered.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

SECTION 4. That in case said stock is not claimed and all just charges not satisfied, in accordance with this act, within thirty days, the persons having said stock in charge shall advertise the same at public sale, by not less than three* written or printed notices, posted for at least ten days previous to said sale in five* conspicuous places in said district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same at public auction, the proceeds of which sale, after deducting all just charges, shall be deposited with some constable in said county, who,

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with some constable in said county.

*So enrolled.

OF STRAYS.

together with his securities, shall be liable on his official bond, and who shall hold the same for one year if not sooner claimed by some person who shall prove, to the satisfaction of said constable, that they are the real owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to school purposes in said district.

If unclaimed to be paid to clerk of the school district.

Passed at Dover, February 13, 1883.

CHAPTER 95.

OF STRAYS.

AN ACT to prevent Stock from Running at Large in School District No. 53 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met:

Not lawful for live stock to run at large in School District No. 53 in Sussex county.

Lawful for any person to take up and impound estrays. Compensation.

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run at large within the limits of School District No. 53 in Sussex county.

SECTION 2. That it shall be lawful for any person in said school district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

OF STRAYS.

SECTION 4. That in case the said stock is not claimed and all just charges, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up; at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of the justice, that they were the real owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with some constable in said county.

If unclaimed to be paid to the clerk of the school district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning strays.

Passed at Dover, March 1, 1883.

CHAPTER 96.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 68, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the highways in School District No. 68, Sussex county.

Not lawful for live stock to run at large in School District No. 68 in Sussex county.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so

Lawful for any person to take up and impound strays.

OF STRAYS.

Compensation. taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until the legal charges are paid.

If damages sustained by reason of such stock running at large, any justice of the peace may appoint three freeholders to estimate the same. **SECTION 3.** In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before said stock is delivered. He shall also pay a fee of one dollar to the justice, and a fee of one dollar to each of the freeholders appointed by the justice.

Passed at Dover, March 1, 1883.

CHAPTER 97.

OF STRAYS.

AN ACT prohibiting Live Stock Running at Large in School District No. 39 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Not lawful for live stock to run at large in School District No. 39 in Sussex county. **SECTION 1.** That it shall not be lawful, from and after the passage of this act, for any live stock to be willfully allowed to run at large in School District No. 39 in Sussex county.

Lawful for any person to take up and impound estrays. **SECTION 2.** It shall be lawful for any person in said school district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the said animals until all legal charges are paid.

If damages sustained by reason of such stock running at large, any justice of the peace may appoint three freeholders to estimate the same. **SECTION 3.** In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, and one dollar to the justice and one

OF STRAYS.

dollar to each of the freeholders appointed by the justice, shall be paid by the person or persons claiming the same before the same is delivered.

SECTION 4. In case said stock is not claimed and all just charges are not, in accordance with this act, paid or satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just claims and charges, shall be deposited with the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said school district.

In case said stock is not claimed within 30 days, to be advertised for sale.

Notices.

Sale.

Proceeds to be deposited with clerk of school district.

Passed at Dover, March 2, 1883.

CHAPTER 98.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 61, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large in School District No. 61, Sussex county.

Not lawful for livestock to run at large in School District No. 61 in Sussex county.

SECTION 2. That it shall be lawful for any person in the said school district to take up any live stock running [at large] on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Lawful for any person to take up and impound estrays.

OF STRAYS.

If damages sustained by justice of the peace may appoint three freeholders to estimate the same. SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices. SECTION 4. That in case the said stock is not claimed, and all just charges are, in accordance with the act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to said sale in three conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of the justice, that they are the owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

Sale. Proceeds to be deposited with justice of the peace in Sussex county.

If unclaimed to be paid to clerk of the school district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning strays.

Passed at Dover, March 7, 1883.

OF STRAYS.

CHAPTER 99.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 63 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large in the public highways or uninclosed lands within the bounds of School District No. 63 in Sussex county.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chap. 60, Vol. 16 of the Laws of Delaware, be and they are hereby made applicable to said School District No. 63.

Passed at Dover, March 8, 1883.

Not lawful for live stock to run at large in School District No. 63 in Sussex county.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

CHAPTER 100.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 156 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to be willfully allowed to run at large in School District No. 156 in Sussex county.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal

Not lawful for live stock to run at large in School District No. 156 in Sussex county.

Lawful for any person to take up and impound estrays.

Compensation.

OF STRAYS.

charges are paid. It shall be the duty of the person impounding such animals to give notice, in writing, to the owner, if known, on the same or the next succeeding day.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just claims or charges, shall be deposited with the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said school district.

Passed at Dover, March 9, 1883.

CHAPTER 101.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 18 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to be willfully allowed to run at large on the highways within the limits of School District No. 18 in Sussex County.

OF STRAYS.

SECTION 2. That it shall be lawful for any person in the said school district to take up any live stock running on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Lawful for any person to take up and impound estrays.

Compensation.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

SECTION 4. That in case the said stock is not claimed and all just charges, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in said district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges shall be deposited with the clerk of said school district, who shall hold the same for one year if not sooner claimed by some person who shall prove to the satisfaction of the said clerk that they were the real owner or owners of said stock; if not so claimed it shall be subject to and used by said clerk of the said district in which said stock was taken up, for school purposes of said district.

If unclaimed within 30 days, to be advertised for sale.

Notices.

Sale.

Proceeds to be deposited with clerk of school district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning estrays.

Passed at Dover, March 9, 1883.

OF STRAYS.

CHAPTER 102.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in United Districts Nos. 8 and 153 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Not lawful for live stock to run at large in School Districts Nos. 8 and 153 in Sussex county. SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run on the public highways within the limits of United School Districts Numbers 8 and 153 in Sussex county.

Lawful for any person to take up and impound estrays. SECTION 2. That it shall be lawful for any person in the said United School Districts Numbers 8 and 153 in Sussex county to take up any live stock running on the public highways in said united districts and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may hold the same until all legal charges are paid.

If damages sustained by justice of the peace may appoint three freeholders to estimate the same. SECTION 3. That in case any damage or damages may have been sustained by reason of stock running at large in said united districts, any justice of the peace of the county may, upon the application of the person damaged, appoint three substantial freeholders to estimate the said damage or damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices. SECTION 4. That in case the said stock is not claimed and all just charges are not, in accordance with this act, satisfied within thirty days, the person or persons having said stock in charge shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to said sale in three conspicuous places in the districts in which said stock was taken up, at the expiration of which time he or they shall proceed to sell the same. Sale. the proceeds of which sale, after deducting all just charges and expenses, shall be deposited with some justice of the peace in said county, who shall hold the same for one year. Proceeds to be deposited with any justice of the peace. if not sooner claimed by some person who shall prove, to the

OF STRAYS.

satisfaction of the justice, that they are the real owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the united school districts in which said stock was taken up, to be devoted to the school purposes of said district.

If unclaimed to be paid to clerk of united school districts in which said stock was taken.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding under the general law concerning strays.

Passed at Dover, March 9, 1883.

CHAPTER 103.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 40, Little Creek Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run at large within the limits of School District No. 40 in Little Creek hundred, Sussex county.

Not lawful for live stock to run at large in School District No. 40 in Sussex county.

SECTION 2. That it shall be lawful for any person in the said district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; *provided* that this section shall not apply to live stock that is under the care of a herdsman.

Lawful for any person to take up and impound estrays. Compensation.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of said county may, upon application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

OF STRAYS.

same. Before said stock is delivered he shall also pay a fee of one dollar to the justice of the peace, and a fee of one dollar to each of the freeholders appointed by the justice.

If unclaimed
within 30
days, to be
advertised
for sale.

Notices.

Sale.

Proceeds to
be deposited
with justice
of the Peace

If unclaimed
to be paid to
clerk of the
school dis-
trict.

SECTION 4. That in case the said stock is not claimed and all just charges, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that they were the real owner or owners of said stock; if not so claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning strays.

Passed at Dover, March 13, 1883.

CHAPTER 104.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 29 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Not lawful
for live stock
to run at
large in
School Dis-
trict No. 29
in Sussex
county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 29 in Sussex county.

OF STRAYS.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chap. 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 29.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

Passed at Dover, March 16, 1883.

CHAPTER 105.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 32 in Sussex County.

Be it enacted by the Senate and House of Representatives in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to be willfully allowed to run at large in School District No. 32 in Sussex county.

Unlawful for live stock to run at large in school district No. 32 in Sussex county.

SECTION 2. It shall be lawful for any person in said district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; *provided* that any person or persons so taking up and impounding any stock under the provisions of this section shall, within three days from the time of taking up and impounding such stock, give notice, in writing, to the owner or owners thereof if known, if not known, by five advertisements posted in the district.

Lawful for any person to take up and impound estrays.

Compensation.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

OF STRAYS,

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with clerk of school district.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just claims or charges, shall be deposited with the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

Passed at Dover, March 20, 1883.

CHAPTER 106.

OF STRAYS.

AN ACT to prohibit Live Stock Running at Large in the three adjoining School Districts Nos. 173, 120 and 119 in Sussex County.

Unlawful for live stock to run at large in School Districts Nos. 173, 120, and 119 in Sussex county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall not be lawful for any live stock to willfully run at large in the three adjoining school districts, viz: Nos. 173, 120 and 119 in Sussex county, after November 1st, 1883.

Lawful for any person to take up and impound estrays.

Compensation.

SECTION 2. *Be it further enacted,* That it shall be lawful for and the duty of any person living in aforesaid districts to take up and impound any such stock running at will on the highways in said districts, and they shall have the right to demand and receive seventy-five cents for each and every animal so taken up, and twenty cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Notices.

SECTION 3. *Be it further enacted,* That it shall be the duty of any person or persons who shall have taken up and impounded any such stock as aforesaid, to give notice forthwith, in person or in writing, to the owner or owners of such stock so impounded, if the owner or owners shall be to him or them known, and if not known, to post a notice in four of

OF STRAYS.

the most public places in the districts, stating where such stock may be found, and describing such animal or animals by general description, and in case any damage has been done by such stock as have been taken up as aforesaid, any justice of the peace of the county may appoint three suitable freeholders to estimate said damage, which justice of the peace shall have a fee of seventy cents, and each of the three freeholders appointed and serve* to estimate the damage shall be paid a fee of fifty cents, [which,] together with the damages and all legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered to him or them.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

Fee.

SECTION 4. *Be it further enacted*, That if the owner or owners of such stock do not come forward and claim the said stock, and pay the expenses imposed upon him or them by this act before the expiration of ten days from the day of impounding such stock, the person or persons having taken up and impounded such stock shall advertise the property for sale, by giving eight days notice by printed or written advertisements, posted in four of the most public places in said school districts; and if the owner or owners shall come forward, at any time before such sale, and pay the expenses, the person or persons so impounding such stock shall give the same up to him or them.

In case said stock is not claimed within ten days, to be advertised for sale.

Notices.

SECTION 5. *Be it further enacted*, That the moneys received from the sale of such property, after deducting all expenses and cost provided for in this act, shall be paid over to the treasurer of the said school districts in which the stock is found, who shall pay the same to the owner or owners of such stock, when he is satisfied he or they were the right owner or owners, if called for at any time within sixty days from the day of sale; if not called for within that time, the moneys shall be applied to the use and benefit of said school districts.

Proceeds of sale paid over to the treasurer of school district.

Duty of said treasurer.

Passed at Dover, March 20, 1883.

*So enrolled and in original bill.

OF STRAYS.

CHAPTER 107.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 140 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Unlawful for live stock to run at large in School District No. 140 in Sussex county. SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 140 in Sussex County.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable. SECTION 2. That the provisions of Section 2, 3 and 4 of Chapter 60, Volume 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 140.

Passed at Dover, March 21, 1883.

CHAPTER 108.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 78, New Castle County.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met :

Unlawful for live stock to run at large in School District No. 78 in Sussex county. SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of School District No. 78, New Castle county.

Compensation. SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large within the limits of said district and impound the same, and any person so doing shall have the right to demand and receive one dollar for every animal so taken up, and twenty-

OF STRAYS.

five cents per head for every [day] such animals are kept, and may retain the same until all legal charges are paid.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, upon the application of the person sustaining the damage, or their agent, to any justice of the peace of New Castle county, [he] shall appoint three suitable freeholders to estimate said damages, which, together with the legal charges for impounding and keeping said stock, and a fee of one dollar to the justice and one dollar each to the freeholders appointed by the justice, shall be paid by the person claiming the stock before it is delivered to him, her or them.

In case damages are sustained justice of the peace may appoint three persons to estimate the same.

SECTION 4. In case said stock is not claimed and all just charges are not, in accordance with this act, satisfied within fifteen days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time he shall proceed to sell the same, the proceeds of which sale, after deducting all just claims and charges, shall be deposited with some justice of the peace in said county who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that he was the real owner of said stock. If not so claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

If unclaimed within 15 days, to be advertised for sale.

Notices.

Sale.

Proceeds to be deposited with justice of the peace, to hold for one year.

If unclaimed then, to be paid over to clerk of School District.

Passed at Dover, March 28, 1883.

OF STRAYS.

CHAPTER 109.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 43 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful for live stock to run at large in School District No. 43 in Sussex county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 43, Sussex county.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 43.

Passed at Dover, March 30, 1883.

CHAPTER 110.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No: 55 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful for live stock to run at large in School District No. 55, Sussex county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run [at large] on the highways or uninclosed premises in School District No. 55 in Sussex county.

Lawful for any person to take up and impound estrays. Compensation.

SECTION 2. It shall be lawful for any person in said district to take up any stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

OF STRAYS.

SECTION 3. In case any damage may have been sustained by reason of such stock running at large in aforesaid district No. 55, any justice of the peace of the county may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming them before said stock is delivered; he or they shall also pay a fee of one dollar to the justice and a fee of one dollar to each of the freeholders appointed by the justice.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.
Fee.

Passed at Dover, April 3, 1883.

CHAPTER III.

OF STRAYS.

AN ACT to prevent Stock from Running at Large in Lewes and Rehoboth Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of Lewes and Rehoboth hundred, Sussex county, when the provisions of Section 5 of this act are complied with.

Unlawful for live stock to run at large in Lewes and Rehoboth hundred. When.

SECTION 2. That it shall be lawful for any person in the said hundred to take up any live stock running at large in the said hundred and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid. Any person impounding stock in this hundred shall be required to give notice of the same by notices posted in five of the most public places of the hundred.

Lawful for any person to take up and impound estrays. Compensation.

Notices.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may, upon application of the person damaged, appoint three suitable persons to estimate

In case damages sustained justice of the peace may appoint three persons to estimate same.

OF STRAYS.

the damages, which, together with the legal charges for keeping said stock, shall be paid by the persons claiming the same before the same is delivered.

SECTION 4. That in case the said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having such stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of the justice, that they are the real owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district of the hundred in which said stock was impounded, for school purposes in said district.

SECTION 5. That the provisions of this act shall not be construed to include the marshes known as the Great and Beach marshes, or any of the public marshes contained within the limits of the said hundred. This act shall not go into effect until a sufficient fence shall be erected at some point below the Rehoboth City lands, extending from Rehoboth Bay to the Atlantic Ocean, with suitable gate or gates, for the convenience of the neighborhood; *and it is further provided* that it shall be lawful for the citizens of Lewes and Rehoboth hundred to erect said fence and gates at or near the above named point.

SECTION 6. That nothing herein contained shall be construed to repeal any of the sections of Chapter 68 of Volume 16, Laws of Delaware, or Chapter 462, Volume 15, Laws of Delaware.

Passed at Dover, April 4, 1883.

OF STRAYS.

CHAPTER 112.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 106 and parts of School Districts Nos. 84 and 54, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of [School] District No. 106 in that part of School District No. 84 where it is not already so prohibited by Chapter 407, Vol. 16, Laws of Delaware, and in so much of the eastern portion of School District No. 54 as is embraced in the lands of the heirs of G. Johnson, Wingate Short, J. H. Day, Thos. W. Short, Sr., W. W. Rawlins, Wm. Short, Thos. W. Short, Jr., Dr. C. H. Richards and Harbeson Hickman, in Sussex county.

Not lawful for live stock to run at large in School District No. 106, and parts of Nos. 84 and 54 in Sussex county.

SECTION 2. That the provisions of Sections 2 and 3 of Chapter 60 of Volume 16 of the Laws of Delaware be and the same are of full force and effect in said School District No. 106 and in those parts of School Districts Nos. 84 and 54, mentioned in Section 1 of this act.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

Passed at Dover, April 10, 1883.

CHAPTER 113.

OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 38 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 38 in Sussex county.

Unlawful for live stock to run at large in School District No. 38 in Sussex county.

OF STRAYS.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

SECTION 2. That Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are hereby made applicable to said School District No. 38.

Passed at Dover, April 11, 1883.

CHAPTER 114.

OF STRAYS.

AN ACT to prevent Stock from Running at Large in School District No. 31, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Not lawful for live stock to run at large in School District No. 31 in Sussex county.

SECTION 1. That it shall not be lawful for any live stock to run at large in School District No. 31 in Sussex county after November 1st, 1883.

Lawful for any person to take up and impound estrays. Compensation.

SECTION 2. It shall be lawful for any person in the said school district to take up any live stock running at large on the highways in said district and impound the same, and they shall have the right to demand and receive seventy-five cents for every animal so taken up, and twenty cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Sections 3, 4, and 5 of act in relation to School Districts Nos. 173, 120, and 114, passed March 20, 1883, applicable.

SECTION 3. That Sections 3, 4 and 5 of the act passed at Dover, March 20th, 1883, relating to live stock in School Districts Nos. 173, 120 and 119, shall have the same force, effect and authority in their application to this act as if they were herein re-enacted section by section.

Passed at Dover, April 12, 1883.

OF ROADS AND BRIDGES.

CHAPTER 115.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in United School Districts Nos. 80 and 152 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of United School Districts Nos. 80 and 152 in Sussex county.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said named united school districts.

Not lawful for live stock to run at large in School Districts Nos. 80 and 152 in Sussex county. Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

Passed at Dover, April 13, 1883.

CHAPTER 116.

OF ROADS AND BRIDGES.

AN ACT concerning the Payment of Road Taxes in Red Lion Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That from and after the passage of this act the Road Commissioners of Red Lion Hundred in New Castle County shall not, in any year, pay to the authorities, commissioners, or treasurer of any city or town in said hundred, that now by law is entitled to receive any portion of the road taxes of said hundred, a sum greater than one-half of the road taxes assessed and collected within the limits of such city or town, clear of errors and commissions.

Road commissioners not to pay more than half of road taxes to cities or towns.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 19, 1883.

OF ROADS AND BRIDGES.

CHAPTER 117.

OF ROADS AND BRIDGES.

AN ACT limiting the Power of the Road Commissioners of Christiana Hundred, New Castle County, to Levy and Collect a Tax.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Com-
mis-
sioners lim-
ited as to
taxation.

SECTION 1. That hereafter the Road Commissioners of Christiana Hundred shall not levy and collect, for road purposes in said hundred, a tax, for any one year, exceeding in amount the sum of five thousand five hundred dollars.

Passed at Dover, February 28, 1883.

CHAPTER 118.

OF ROADS AND BRIDGES.

AN ACT to amend Chapter LX of the Revised Code of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Sections 6
and 10 of
Chapter 60,
Revised
Code,
amended.

SECTION 1. That Section 6 of Chapter LX of the Revised Code of 1874 be amended by adding to the said Section 6, on page 322 of the said Revised Code, at the end of said section, the following words, to wit: "That when, upon an order to lay out a new public road, the commissioners have made return that such road is not needed for public convenience, it shall not be lawful to make any further petition to lay out the same road, and the court shall not make any order to lay out the same road until after the expiration of three years from and after the granting of the first order."

SECTION 2. That Section 10 of said Chapter 60 of the Revised Code be and is hereby amended in line 10 of Section 10 by adding after the word "granted" the words: "and no costs paid by persons applying for a review shall be reimbursed

OF ROADS AND BRIDGES.

to them by the Levy Court." And amend further, by striking out all the words after the word "granted," in the 10th line, to the word "the" in the 13th line of said section.

Passed at Dover, March 26, 1883.

CHAPTER 119.

OF ROADS AND BRIDGES.

AN ACT to lay out a new Public Road in Mispillion Hundred in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Henry C. Wolcott, Ezekiel Fleming and G. W. Cain, Jesse Ward, George Bastian, five judicious and impartial citizens and freeholders of Kent county, be and they are hereby appointed commissioners to go upon and view the lands and determine whether there is need of a public road in Mispillion hundred, Kent county, beginning on the south side of Liberty street, in the centre of Fleming street, where it intersects said Liberty street, in the town of Harrington, in Mispillion hundred, Kent county, and running from thence in a northerly direction with Weener avenue parallel with the Delaware Railroad, till it intersects the lands of Joseph Ward, thence same course on lands of said Joseph Ward to a point on his lands near a prong of Brown's branch; thence on lands of said Joseph Ward a northerly course and across lands of Duncan & Jellison, across lands of Eli Harrington, Charles Harrington and Martin W. Harrington, on or near lands of John Booth, Sr., and across lands of the heirs of John R. Curtis, as they may deem best, until it intersects the public road leading from the Asbury M. E. Church to Frederica. And if they, or a majority of them, shall determine that there is need for such new public road, they shall, with the assistance of a surveyor, by them to be selected, lay out such new public road as they shall deem proper, and shall cause a plot thereof to be made, representing the courses and distances thereof, with notes of of the wood lands, cleared lands, and improvements by or

Commissioners.

Location.

Surveyor.

Plot.

OF STRAYS.

CHAPTER 107.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 140 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Unlawful for live stock to run at large in School District No. 140 in Sussex county. SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 140 in Sussex County.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable. SECTION 2. That the provisions of Section 2, 3 and 4 of Chapter 60, Volume 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 140.

Passed at Dover, March 21, 1883.

CHAPTER 108.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 78, New Castle County.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met :

Unlawful for live stock to run at large in School District No. 78 in Sussex county. SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of School District No. 78, New Castle county.

Compensation. SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large within the limits of said district and impound the same, and any person so doing shall have the right to demand and receive one dollar for every animal so taken up, and twenty-

OF STRAYS.

five cents per head for every [day] such animals are kept, and may retain the same until all legal charges are paid.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, upon the application of the person sustaining the damage, or their agent, to any justice of the peace of New Castle county, [he] shall appoint three suitable freeholders to estimate said damages, which, together with the legal charges for impounding and keeping said stock, and a fee of one dollar to the justice and one dollar each to the freeholders appointed by the justice, shall be paid by the person claiming the stock before it is delivered to him, her or them.

In case damages are sustained justice of the peace may appoint three persons to estimate the same.

SECTION 4. In case said stock is not claimed and all just charges are not, in accordance with this act, satisfied within fifteen days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time he shall proceed to sell the same, the proceeds of which sale, after deducting all just claims and charges, shall be deposited with some justice of the peace in said county who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that he was the real owner of said stock. If not so claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

If unclaimed within 15 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with justice of the peace, to hold for one year.

If unclaimed then, to be paid over to clerk of School District.

Passed at Dover, March 28, 1883.

OF STRAYS.

CHAPTER 109.

OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 43 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful for live stock to run at large in School District No. 43 in Sussex county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 43, Sussex county.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 43.

Passed at Dover, March 30, 1883.

CHAPTER 110.

OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No: 55 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful for live stock to run at large in School District No. 55, Sussex county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run [at large] on the highways or uninclosed premises in School District No. 55 in Sussex county.

Lawful for any person to take up and impound estrays. Compensation.

SECTION 2. It shall be lawful for any person in said district to take up any stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

OF STRAYS.

SECTION 3. In case any damage may have been sustained by reason of such stock running at large in aforesaid district No. 55, any justice of the peace of the county may appoint three freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming them before said stock is delivered; he or they shall also pay a fee of one dollar to the justice and a fee of one dollar to each of the freeholders appointed by the justice.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

Fee.

Passed at Dover, April 3, 1883.

CHAPTER III.

OF STRAYS.

AN ACT to prevent Stock from Running at Large in Lewes and Rehoboth Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of Lewes and Rehoboth hundred, Sussex county, when the provisions of Section 5 of this act are complied with.

Unlawful for live stock to run at large in Lewes and Rehoboth hundred. When.

SECTION 2. That it shall be lawful for any person in the said hundred to take up any live stock running at large in the said hundred and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid. Any person impounding stock in this hundred shall be required to give notice of the same by notices posted in five of the most public places of the hundred.

Lawful for any person to take up and impound estrays. Compensation.

Notices.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may, upon application of the person damaged, appoint three suitable persons to estimate

In case damages sustained justice of the peace may appoint three persons to estimate same.

OF ROADS AND BRIDGES.

lands of said Beniah Tharp and said John Thistlewood to an angle thereof on or about the line between lands of the above named parties, as said commissioners may deem best; thence still with said old mill road between lands of said above named parties in a westerly direction to a point in said old mill road where it turns to go up to Tharp's mill and over the mill-dam over Brown's branch where another old road intersects it leading out to Harrington; thence with said old mill road leading by the mill and over said mill-dam across lands of said Beniah Tharp a southerly direction to an angle thereof on the south side of said Brown's branch on or near the line of lands of said Beniah Tharp and lands of Burton Jarrell; thence still with said old mill road on or near the line between lands of the last named parties an easterly direction to another angle of said mill road between lands of said Burton Jarrell and lands of Joseph G. Peckham; thence still with said old mill road, or as near on the same as the said commissioners may deem best, between lands of the said Burton Jarrell and the said Joseph G. Peckham, and or near the line of lands of Evin C. Reese and lands of John W. Sedgwick a southerly direction till it intersects the public road leading from Harrington to Milford, between lands of Evin C. Reese and lands of John W. Sedgwick opposite Abner Griswold's farm. And if they, or a majority of them (being first sworn or affirmed), which oath or affirmation may be administered to each other by one or some of them, or by any other person authorized to administer oaths or affirmations, shall determine that there is need for such new public roads as herein above mentioned and described, they shall, with the assistance of a skillful surveyor, by them to be selected, who shall be sworn or affirmed to perform the duties required of him faithfully and impartially to the best of his skill and judgment, by one of said commissioners, or by any person duly authorized to administer the same, proceed to lay out said public roads, in manner and form aforesaid, as will be most advantageous to the public and the least injury to the owners through or by which the same shall pass, having respect to the nature of the grounds, the shortness of the distance, and all the circumstances of a public or private convenience or detriment; and shall cause a draft thereof to be made, to accompany their return, representing the courses and distances thereof and the improvements through or by which the same shall pass, and shall assess damages to the owner or owners through which the same shall pass, and make computation of the costs of making and opening said

Surveyor.
Oath.

Plot.
Return.

Damages

Computation of costs.

OF ROADS AND BRIDGES.

new public roads, and shall set down the costs on the proceedings and their determination that there is need for said new public roads.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the plot and return so to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace of Kent county, to be by him laid before the Levy Court of Kent county for their approval; that they make appropriation for opening and making said public roads, and make allowance for fees on the proceedings for laying out, surveying and making return of the same, which shall be fixed by said Levy Court as to them it may be deemed proper, and when opened shall in all respects be subject to the same rules and regulations as other public roads in Kent county.

Plot and
return laid
before the
Levy Court.

Appropriation.
Fees.

Passed at Dover, March 5, 1883.

CHAPTER 124.

OF ROADS AND BRIDGES.

AN ACT to authorize Thomas W. Wilson to extend and straighten the State Road leading from the Town of Smyrna to the Town of Dover.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Thomas W. Wilson be and he is hereby authorized to straighten and extend the State road leading from the town of Smyrna to the town of Dover, beginning at the point where the State road now leading from said town of Smyrna to said town of Dover now divides his land, and extend the said road in a straight line until it intersects with the road leading from the town of Dover to Cowgill's Corner; the same to be straightened and extended at the expense of the said Thomas W. Wilson.

Thomas W.
Wilson to
change public
road. Location.

At the expense of said
Wilson.

SECTION 2. That when the said road leading from the town of Smyrna to the town of Dover shall be straightened and extended, as prescribed in the first section of this act,

OF ROADS AND BRIDGES.

Old road
enclosed.

and made of the width of the said road now leading from the said town of Smyrna to the said town of Dover, the said Thomas W. Wilson be and he is hereby authorized and empowered to enclose and appropriate to his own use that part of the said public road leading from the said town of Smyrna to the said town of Dover which now divides his said land.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, March 6, 1883.

CHAPTER 125.

OF ROADS AND BRIDGES.

AN ACT to Widen and Straighten the Public Road leading into the Town of Dover from the Town of Camden.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Commissioners.

SECTION 1. That Edwin O. Eccles, Edwin M. Stevenson and Thomas W. Wilson, three judicious and impartial citizens of Kent county, be and they are hereby appointed commissioners to do and perform all the duties required of them under this act.

Surveyor.

SECTION 2. That said commissioners shall go upon and view the public road leading from Dover to Camden south of the town of Dover, and shall call to their assistance a skillful surveyor, and shall widen and straighten said public road, commencing at the line of the southern limits of the town of Dover, and shall lay down and widen said public road to the width of sixty feet for at least a distance of one hundred yards from the southern line of said town of Dover, and may be widened beyond the distance of one hundred yards to any width of not less than forty feet and not more than sixty feet, in the discretion of said commissioners; *provided* the whole distance so widened and straightened shall not exceed nine hundred yards from the said south line of the town of Dover.

Proviso.

OF ROADS AND BRIDGES.

SECTION 3. That said commissioners shall cause a plot to be made, representing the courses, distances and width, and whose lands are affected by the widening and straightening said road, and they shall assess the damages of every owner of the lands affected, taking into consideration all the benefit as well as injury which will accrue to each owner; and they shall make computation of the cost of widening and straightening, and shall make return of all their proceedings to the Clerk of the Peace in and for Kent county, and [said return] shall be by him filed in his office as a record of a public road in Kent county. The report shall be under the hands of said commissioners, or a majority of them.

Plot.

Damages.

Computation of cost.
Return.

Where filed.

SECTION 4. It shall be the duty of the Clerk of the Peace at the next regular or adjourned session of the Levy Court of Kent county, after the return has been made to him, and by him filed in his office, to lay the same before the Levy Court, that an appropriation may be made for widening and straightening said road, and that the said road, as laid down, shall be worked and managed the full width laid down, and shall be under the direction of the Levy Court as all other public roads are in Kent county, and shall, in all respects, be a public road the full width laid down and returned by said commissioners.

Duty of
Clerk of the
Peace.

SECTION 5. That the commissioners shall be sworn, or affirmed, to perform their duties faithfully and impartially. Any commissioner neglecting or refusing to serve, or dying before the duties required of him under this act shall be fully completed, the associate judge residing in Kent county may appoint some person or persons to fill the vacancy or vacancies so occurring, upon the application of three citizens of Kent county, by petition preferred to said judge.

Commis-
sioners
sworn.Vacancies.
How filled.

SECTION 6. That the commissioners shall be allowed one dollar per day each, for each and every day employed in the performance of their duties, and the surveyor shall be allowed such compensation as shall be fixed by the Levy Court. The fees of commissioners, surveyor and other persons employed, shall be paid by Kent county.

Compensa-
tion.

How paid.

Passed at Dover, March 8, 1883.

OF ROADS AND BRIDGES.

CHAPTER 126.

OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Kent County.

Preamble. WHEREAS the traveling public is subjected to great danger and inconvenience by reason of the curve in the Delaware Railroad and elevation at the point where the public road leading from Bethel M. E. church to Central Mills, in Kent county, crosses said railroad on the line dividing Little Creek and Kenton hundreds; and whereas such danger and inconvenience may be avoided by changing the course of said public road so as to come around said hill or elevation; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Wm. Surgen
Richard M.
Cooper, and
Samuel Wil-
liams com-
missioners
appointed to
examine a
certain road.
Location.

Majority
may change.

Plot to be
made.

Damages.

Cost.
Return.

Plot an-
nexed.

SECTION 1. That William Surgen, Richard M. Cooper and Samuel Williams be and they are hereby appointed to go upon and examine said public road leading from Bethel M. E. church to Central Mills, between some point therein east of the said Delaware Railroad and some point therein west of said Delaware Railroad, and determine whether the safety and convenience of the public require the changing of the course of said public road, so as to curve around said hill or elevation between such points; and if they, or a majority of them, shall decide that such change in the course of said public road is necessary, then they, or a majority of them, shall proceed to change the course of said public road so that the same shall run in a curved direction between such points so as to avoid partially or entirely said hill or elevation. They shall cause a plot to be made, representing the proposed change in the course of said public road, and shall assess any damage which may accrue to the owner or owners of the lands through which said public road, as changed, shall pass, taking into consideration all the circumstances of benefit as well as injury which shall accrue to each of the owners, and shall make a computation of the cost of making said change in said road. They shall also, in their return, set forth their determination that there is need of the said change for public convenience, and shall annex to their return the before mentioned plot.

OF ROADS AND BRIDGES.

SECTION 2. That the plot and return so to be made as ^{Laid before} aforesaid by the said commissioners, or a majority of them, ^{Levy Court.} shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county at its next regular session, or any adjourned session thereof, and the said Levy Court may adopt and establish the said road so as aforesaid changed.

SECTION 3. That the aforesaid commissioners and the ^{To be sworn} surveyor employed by them (if they shall deem it necessary to employ one) shall, before performing the duties herein imposed, be severally sworn or affirmed to perform their respective duties faithfully, and for such services they shall be compensated by the said Levy Court.

SECTION 4. That the part of the original road supplied ^{Original} by the road laid out under this act shall be vacated, and may ^{road vacated} be enclosed by the owner or owners through which it passes, ^{and enclosed} as soon as the said original public road as changed under this act is accepted and adopted by the said Levy Court and made ready for public trade.

Passed at Dover, March 9, 1883.

CHAPTER 127.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Road and vacate an Old Road in South Murderkill Hundred, Kent County.

Be it enacted by the Senate, and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That John W. Taylor, Jehu M. Reed and James H. Salivan, of Kent county, be and they are hereby ^{Commissioners.} appointed commissioners to go upon and view a certain road in South Murderkill hundred, Kent county, to wit: A road ^{Location.} commencing at a point in the public road leading from Bowers' Beach to Frederica, nearly opposite Dr. T. D. Hubbard's farm house, and running about a southeast course across the marsh to Murderkill Creek, and if they, or a majority of them, deem proper to vacate the same, and if by them so

OF ROADS AND BRIDGES.

Vacated. vacated, to lay out, as a substitute for such vacated road, a new road in said South Murderkill hundred, commencing at a point on Murderkill Creek near the division line between the lands of Samuel H. Short and James H. Reed and running northwest, or nearly so, over a private road built by Samuel H. Short, until it intersects the public road leading from Bowers' Beach to Frederica, nearly opposite Peter Calloway's house, and continuing in a northwest direction, or nearly so, from a point in said public road on the east side of James Wyatt's land across the lands of R. V. Rote until it crosses the division line between said R. V. Rote and T. D. Hubbard, and thence with said line, or nearly so, until it reaches St. Jones' Creek at a landing known as Thomas Reed's Landing; and if the said commissioners, or a majority of them, shall determine that there is need for such change or changes, or any change or changes, in whole or in part, or for the laying out of such new road, or any part thereof, then they shall, with the assistance of a surveyor, by them employed, lay out such public road, or part thereof, as they may deem needful for the public convenience, having respect to the nature of the ground and all circumstances of public or private convenience or detriment, causing a survey and

Plot. plot of said new road, if any so laid out, to be made, showing the courses and distances thereof, the clear lands and wood lands through or along which the same passes, and shall

Damages. assess the damages which may accrue to the owner or owners of lands through or along which the same passes, and shall

Computation of costs. make a computation of the costs of opening and making said road, and of the bridges and causeways thereof, if any, setting down the several items of said costs, and shall make

Return. return thereof, with a description of said new public road, and their determination that there is need for the same so laid out, and that such change or changes in such old road ought to be made and are needed for public convenience, and shall annex to their return the aforementioned plot, showing the new road laid out, and so much of the old road as they may change or vacate.

Plot and return laid before the Levy Court.

Levy Court may adopt.

SECTION 2. That the said plot and return so made, or caused to be made by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county at the next or any ensuing session after such return, and the said court may adopt and establish the said road so laid out and returned to them.

OF ROADS AND BRIDGES.

SECTION 3. That the said commissioners and the surveyor ^{Oath.} employed by them shall, before entering upon their duties herein imposed, be severally sworn or affirmed to perform their respective duties with fidelity and impartiality and according to their best skill and judgment, and for their services shall receive such fees as are by law allowed for like services ^{Fees.} under orders of the Superior Court for laying out new roads.

SECTION 4. That the new road hereby authorized shall, from the time of its adoption by the Levy Court, be deemed and taken to be a public road, and the laws of the State of Delaware applicable to public roads in Kent county are hereby extended to and shall apply to said road.

Passed at Dover, March 13, 1883.

CHAPTER 128.

OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Milford Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That John M. Webb be and he is hereby authorized and empowered to straighten that part of the public road leading from John W. Hall's land in Milford hundred, Kent county, and to continue in a straight line through said John M. Webb's land until it intersects or strikes a point in the Pier road. ^{J. M. Webb authorized to straighten public road. Location.}

SECTION 2. That when the said John M. Webb shall, at his own expense, have made such change and opened the road hereby authorized to the width of thirty feet, and put the same in such order for travel as the Levy Court of Kent county may deem sufficient, it shall be taken and maintained as other public roads in Kent county; and it shall be lawful for the said John M. Webb to vacate the road superseded by the road authorized by this act [and] to enclose the same. ^{When deemed to be a public road. May enclose old road.}

Passed at Dover, March 21, 1883.

OF ROADS AND BRIDGES.

CHAPTER 129.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Mispillion Hundred in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Clement C. Simpson, Jacob Graham and James Voss, three judicious and impartial citizens of Kent county, be and they are hereby appointed to go upon and view the premises and determine whether there is need for a new public road in Mispillion hundred in Kent county, to begin in the centre of the public road leading from Vernon to Burrsville, near where the old Quaker Church formerly stood, at the end of an old roadway or outlet between lands of John A. Cahall and lands of James P. Hopkins, and to run from thence, with said old roadway or outlet as they may deem best, a southerly direction to an angle thereof on or near lands of William W. Simpson, and thence across lands of said William W. Simpson and on or near lands of Willard Layton, a southwesterly direction as they may deem best, to intersect the public road leading from Burrsville to Marsh Hope Bridge at the intersection of another road leading from the said last named road to Potter's Landing, between lands of said Willard Layton and lands of the heirs of John Fearn, deceased, and if they or a majority of them shall determine that there is need of a new road, they shall lay out the same, and assess the damages and costs, and the expense thereof of making said road, and cause a survey thereof to be made by some skillful surveyor by them to be selected, and cause a plot to be made to accompany their return to the Levy Court of Kent county. The Levy Court may make appropriation for opening the same as a public road, after making allowance for the costs on the proceedings, and when the draught and return shall have been so returned and approved, the said new road shall be deemed and taken as a public road in like manner as other public roads in Kent county.

Clement C. Simpson, Jacob Graham, and James Voss commissioners to examine certain road.

Location.

Majority may decide as to new road. Damages.

Surveyor.

Plot and return.

Allowance.

Public road.

Commissioners and surveyor to be sworn.

SECTION 2. That the commissioners and the surveyor be sworn or affirmed, before entering upon the duties hereby assigned, to perform the same faithfully and impartially;

OF ROADS AND BRIDGES.

which oath or affirmation may be administered among themselves or by any other person duly authorized to administer the same.

SECTION 3. That the pay of the commissioners, surveyor and chair-carriers shall be such as the Levy Court may deem proper. Compensation.

Passed at Dover, March 21, 1883.

CHAPTER 130.

OF ROADS AND BRIDGES.

AN ACT to authorize John W. and David H. Houston to change the course of a Public Road running through their lands in Broadkiln Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That John W. and David H. Houston be and they are hereby authorized to change the course of the public road in Broadkiln hundred, Sussex county, from the place where it begins on the public road leading from the Red Mill to the Drawbridge, opposite the front gate of their farm, and extends thence obliquely across a portion of their lands in the direction of Milton, and which land they now desire to enclose and put in cultivation by vacating so much thereof as extends from the place before designated obliquely across the said portion of their lands to the northern limits or boundary line of the same, and in lieu thereof to open and construct from the last mentioned place a public road thirty feet wide, at their expense and on their land, in a straight and easterly direction and parallel with the said northern limit or boundary line of their land to the said public road leading from the Red Mill to the Drawbridge as aforesaid. John W. and David H. Houston may change a certain road. Location. Width. At their own expense.

SECTION 2. That whenever and as soon as they have made the change therein and opened and constructed in lieu thereof, as hereby authorized and provided for, the new public road herein described and directed, to the satisfaction Vacated road to be closed.

OF ROADS AND BRIDGES.

and approval of the Levy Court of said county, it shall be lawful for them to enclose so much of said public road as they are hereby authorized to change and vacate as aforesaid; and the new public road in lieu thereof so opened by them shall be deemed and taken to be, to all intents and purposes, a public road in said county.

Passed at Dover, March 27, 1883.

CHAPTER 131.

OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Broad Creek Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That William G. Moore and Janey Wright be and they are hereby authorized to change and straighten a public road now running across the lands of said William G. Moore and Janey Wright so that said road shall run about a south course from William G. Moore's dwelling house through lands of said William G. Moore and Janey Wright to the public road leading from Bethel to Georgetown.

SECTION 2. That when the said William G. Moore and Janey Wright shall, at their own expense, have made such change and opened the road hereby authorized to the width of thirty feet and put the same in such order for travel as the Levy Court of Sussex county may deem sufficient, it shall be taken and maintained as other public roads in Sussex county, and it shall be lawful for them to vacate the road superseded by the road authorized by this act, and the parties owning the land on which the road hereby vacated runs to enclose the same.

Passed at Dover, March 28, 1883.

OF ROADS AND BRIDGES.

CHAPTER 132.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Duck Creek Hundred, Kent County and State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John Mustard, Joseph E. Disch, James C. Robinson, John W. Fenimore and John P. M. Denney, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Duck Creek hundred in Kent county, beginning at or near the terminus of the public road leading from Smyrna to White Hall Landing, where said public road terminates at Leipsic Creek, and running thereto in a westerly direction along the northern side of said creek, and by and with the several courses thereof, a distance of about one-quarter of a mile. If the said commissioners or a majority of them shall determine that there is need of such new public road, they shall, with the assistance of some skillful surveyor to be by them selected, lay out such new public road as they shall deem proper, but not less than fifty feet in width, having respect to the nature of the ground, shortness of distance and all circumstances of public convenience, and shall cause a plot thereof to be made, showing the courses and distances thereof, with notes of the most remarkable places, and of the lands through or upon which the same shall pass, and they shall assess the damages of every owner of said lands through or upon which said road will pass, by reason of the laying out of said new public road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners, and they shall make a computation of the cost of opening and making said road and of making the bridges and causeways thereon, in case any bridges or causeways shall be deemed necessary, setting down the several items of said costs, and shall, in their return, set forth a description of said new public road and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

SECTION 2. *And be it further enacted,* That the plot and return so to be made as aforesaid by the said commissioners,

OF ROADS AND BRIDGES.

Plot and
return laid
before the
Levy Court. or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county at the first meeting thereof after said plot and return shall have been received by him, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same laws and regulations as other public roads in said county.

May adopt
said road.

Oath. SECTION 3. *And be it further enacted*, That the said commissioners and surveyor, before performing the duties required of them respectively under this act, shall be sworn or affirmed to perform their duties under this act, according to the best of their skill and judgment respectively, which oath or affirmation may be administered by either of said commissioners or by any justice of the peace residing within Kent county. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case any one or more of said commissioners shall refuse or neglect to perform the duties required of them by this act, or in case Vacancies. any vacancy or vacancies shall occur among said commissioners before the duties herein required of them are performed, any judge of this State or any justice of the peace residing within Kent county, may appoint another or other commissioner or commissioners to act in the place of any one or more refusing or neglecting to act, or to fill any vacancy or vacancies that may occur among said commissioners. The Fees. fee of each commissioner shall be one dollar and the fee of the surveyor two dollars, for each day of actual service, with a proper compensation to the surveyor for his plot and drawing the return.

SECTION 4. *And be it further enacted*, That this act shall be deemed and taken to be a public act.

Passed at Dover, March 28, 1883.

OF ROADS AND BRIDGES.

CHAPTER 133.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a Public Road in East Dover Hundred, Kent County and State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Henry Ridgely, Thomas Pickering, John H. Bishop, Webster D. Leonard and Ephraim S. Garrison be and they are hereby appointed commissioners to open and lay out a public road in East Dover hundred, Kent county, and State of Delaware, beginning at the terminus of State street, in or near the town of Dover, and running across the pond known as Shakespeare's Mill-Pond until it intersects the lands of Thomas Adkins, then a northeasterly course through the lands of Thomas Adkins, Hannah M. Cowgill and Samuel Moore, until it intersects with the road now leading from the town of Dover to the town of Smyrna at the point where the road leading from the town of Leipsic to the town of Dover intersects with the said road leading from the town of Dover to the town of Smyrna. The aforesaid commissioners, or a majority of them, shall cause the same to be surveyed by a skillful surveyor, to be by them selected, and opened as aforesaid, and shall assess any damage which may accrue to the owner or owners of said lands through which the aforesaid public road may pass.

SECTION 2. That the aforesaid commissioners shall cause a map of the said road to be returned to the Clerk of the Peace in and for Kent county, designating the course of said road, the length of bridge necessary to allow the passage of the water of the aforesaid mill-pond, and the width of said road so laid out by them as aforesaid; and said map, return and plot shall be laid by the Clerk of the Peace in and for Kent county before the Levy Court of Kent county, and if the said Levy Court approves the said road so laid out as aforesaid, they may make such allowances as will be necessary to make and open said new road; *provided* that the said bridge shall be placed over the deepest water where the line of the said road shall cross the channel of the said mill-pond; and *provided* that the abutments and supports of the said bridge shall consist of solid stone masonry and be constructed in such manner

OF ROADS AND BRIDGES.

as to permanently secure a clear width of water passage of not less than thirty feet, and a permanent depth thereof not less than the depth at present found to exist at the location of the natural channel when the water in the said mill-pond is at a full head.

To be sworn. SECTION 3. That the commissioners and surveyor, before viewing the premises, shall be severally sworn or affirmed faithfully and impartially to perform the duties incumbent on them respectively. Either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor, and a majority may do and determine any matter. In case of a vacancy or vacancies in the commissioners named in the first section, the resident judge of the county may appoint a commissioner or commissioners to fill such vacancy or vacancies. The fees of the commissioners, surveyor and chain-carriers shall be the same as is provided by law for similar services in case of laying out public roads, and shall be paid for by the Levy Court of Kent county.

Vacancies.
How filled.

Fees.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 29, 1883.

CHAPTER 134.

OF ROADS AND BRIDGES.

AN ACT authorizing Theodore P. Sirman to vacate an old road and open a new one in Gumboro' Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

May vacate
certain road. SECTION 1. That Theodore P. Sirman be and he is hereby authorized to change a certain public road in Gumboro' hundred in Sussex county, as follows: commencing at a point on the public road leading from Terrapin Hill to Little Hill Protestant Episcopal church, where the westerly side or corner of said Theodore P. Sirman's land touches said road, and running from thence in an easterly direction a straight

Location.

OF ROADS AND BRIDGES.

line to just across a small drain or branch, a distance of some two hundred yards or more, all on land of the said Theodore P. Sirman.

SECTION 2. That the said Theodore P. Sirman shall change, make and open, at his own expense, the said road, and put the same in good order for the public travel, making the said road the required width by law, and after the same has been put in good order for public travel as aforesaid, and after the same has been approved and accepted by the Levy Court, to be and thereafter form a part of the public road to be maintained and kept up at the public expense, as other public roads, and the said Theodore P. Sirman is hereby authorized to enclose that part of the old road so vacated.

Levy Court
may adopt.

Old road
may be en-
closed.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, April 4, 1883.

CHAPTER 135.

OF ROADS AND BRIDGES.

AN ACT to authorize the vacation of a part of a certain Public Road near the Village of Farmington, in Mispillion Hundred, in Kent County, and to substitute a New Road to be laid out in lieu of the part of said Public Road so vacated.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Nathaniel C. Powell, James M. Cain, Asbury M. Day, James H. Morgan and William H. Knox be and they are hereby appointed commissioners, who are hereby authorized, empowered and directed to go upon the premises and determine whether a new road should be laid out, beginning at a point in the public road leading from the village of Farmington in Mispillion hundred, in Kent county, to Bethel M. P. church, about opposite to the residence of William H. Murphy, in the said village of Farmington, and running thence through or across lands of the said William

Commis-
sioners.

Location.

OF ROADS AND BRIDGES.

H. Murphy and lands of Moses Harrington in a westerly direction until it reaches the said public road leading from the said village of Farmington to said Bethel M. P. church, and [that] that part of said public road lying immediately beyond the western limits of said village of Farmington, which is semi-circular in shape and for which the new road designed and contemplated in this act is a substitute, be vacated. And if the said commissioners shall determine that the public convenience requires that the said new road should be laid out, and that part of said public road for which the said new road designed and contemplated by this act is a substitute vacated, then they shall, with the assistance of a skillful and impartial surveyor, by them to be employed (if they shall deem such assistance necessary), lay out the said new road in such manner as to them shall seem most advantageous to the public and the least detrimental to individuals, and vacate the said part of said public road for which the said new road designed and contemplated by this act is a substitute, and shall cause a draught thereof to be made, showing the new road as well as the said part of said public road for which the said new road designed and contemplated by this act is a substitute, with notes of the most remarkable places, and the lands and premises by, through and upon which the said new road passes, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public and private convenience or detriment; and shall assess the damages of every the owners or holders of said lands and premises on occasion of the laying out of the said new road and the vacating of said part of said public road for which the said new road designed and contemplated by this act is a substitute, and shall make a computation of the costs of opening and making said new road, setting down the several items of said costs.

Surveyor.

Plot.

Damages.

Computation of costs.

Plot and
return laid
before the
Levy Court.

Levy Court
may adopt.

SECTION 2. That the said draught, together with the return of the said commissioners, shall be returned and filed in the office of the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, and if no sufficient objection is made thereto, then the said Levy Court of said county shall approve and confirm the said draught and return of the said commissioners, and shall settle and pay the damages which may be assessed by the said commissioners, and pay the legal charges of the commissioners, surveyor, &c., as other similar expenses are paid, and when the said draught and return shall have been so approved

OF ROADS AND BRIDGES.

and confirmed, the said new road shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent county are hereby extended to and shall apply to said new road; and the said part of the said public road for which the said new road, designed and contemplated by this act, is a substitute, and ordered to be vacated, may be taken in and enclosed by the owner or owners whose property it adjoins or passes through. Old road enclosed.

SECTION 3. That the said commissioners, before performing the duties enjoined upon them by this act, shall be severally sworn or affirmed to perform their duties with fidelity, and the surveyor (if one shall be employed) to perform the services required of him faithfully and impartially, according to the best of his skill and judgment, which oaths or affirmations may be taken before any notary public or before any justice of the peace in and for Kent county, and the acts of a majority of the said commissioners shall be as valid as if concurred in by all of them, and in case of any vacancy or vacancies another or other commissioners may be appointed by the remaining commissioners to supply such vacancy or vacancies. Oath. Vacancy.

SECTION 4. That nothing shall be done under or in pursuance of the authority of this act which shall in any manner impair the water courses or ditches appertaining to the lands of the said Moses Harrington, and in case said water courses or ditches shall be changed by the proposed change in the course of said public road, then said water courses or ditches as changed, or those already established, or any part thereof which may be continued or adopted for the use of the lands of said Harrington, shall be made as good and efficient as the present water courses or ditches are for the drainage of the said lands of said Harrington at the cost and charge of Kent county. Not to interfere with certain ditches, etc.

Passed at Dover, April 5, 1883.

OF ROADS AND BRIDGES.

CHAPTER 136.

OF ROADS AND BRIDGES.

AN ACT to amend Chapter 442, Volume 16 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Sections 1
and 2,
Chapter 442,
Volume 16,
amended.

SECTION 1. That Chapter 442, Volume 16 of the Laws of Delaware, be and the same is hereby amended by striking out the name of "Charles Denney," where the said name occurs in Sections 1 and 2 of said chapter, and substituting in lieu thereof the name of "William S. Heverin."

Passed at Dover, April 6, 1883.

CHAPTER 137.

OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Mispillion Hundred in Kent County, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Commis-
sioners.

Location.

SECTION 1. That Alex. Johnson, H. C. Wolcott and James A. Smith, three judicious and impartial citizens of Mispillion hundred, be and they are hereby appointed [commissioners] to go upon and view the premises and determine if there is need of a change in the course of the public road leading from Harrington, in Mispillion hundred, Kent county and State of Delaware, to Burrsville, in Caroline county and State of Maryland, beginning at a point where the public road leading from Robert Raughley's gate intersects said road leading from Harrington to Burrsville, and following the course of the "old road bed" (vacated by an act passed at Dover, March 13, 1879), or as nearly thereto as they may deem expedient, to a point where the said "old road bed" intersects the said road leading from the town of Harrington to the town of Burrsville; and also to view the premises and

OF ROADS AND BRIDGES.

determine if there is need of a change in the public road leading from the town of Farmington, in Mispillion hundred, Kent county, to the town of Burrsville aforesaid, commencing at the point where the public road leading from the said town of Farmington to the town of Burrsville intersects the said road leading from the town of Harrington to the town of Burrsville, and following the course of the "old road bed" until it intersects the "old road bed" first in this section mentioned. And if they, or a majority of them, shall determine that the public convenience requires a change in said public road, as above stated, they shall, with the assistance of a skillful surveyor, after being duly sworn or affirmed, reopen the said old road, as above designated, of the width of forty feet, and cause a plot thereof to be made, representing the courses and distances thereof; and shall assess all damages, if in their judgment any should be allowed, taking into consideration all the circumstances of benefit as well as injury, and they shall make a computation of the costs of reopening said road.

SECTION 2. That the plot and return so to be made as aforesaid shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, that they may make an appropriation for reopening the said old road.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

SECTION 4. That Chapter seventy-nine of Volume sixteen, Laws of Delaware, be and the same is hereby repealed; and when and so soon as the said old road shall have been reopened as aforesaid, that Reuben Ross and Mrs. General A. T. A. Torbert are hereby authorized to enclose such parts of the said road leading from Harrington to Burrsville as are superseded by the road hereinbefore authorized to be reopened.

Passed at Dover, April 10, 1883.

OF ROADS AND BRIDGES.

CHAPTER 138.

OF ROADS AND BRIDGES.

AN ACT to Change and Straighten a Public Road in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That E. M. Lowe, Jacob H. Adams and J. W. Anderson, be and they are hereby appointed commissioners to go upon and view the premises and lands, and determine whether it is necessary for public convenience to straighten and change the public road leading from the town of Laurel to the Big Mills, in Little Creek hundred, Sussex county, as follows: beginning at a point in the said road opposite the lot of Ann' Corner and running thence in a straight line along the said road to a point in the said road between the land of James Cannon and the land of A. J. Horsey. If the said commissioners shall so determine that the said road shall be straightened and changed as aforesaid, then they shall, with the assistance of a skillful surveyor, locate and lay down the same, and assess all damages on account of the location thereof, and also the cost of making the said change. That the said commissioners shall make or cause to be made a plot of the said road so changed, and return the same to the Levy Court of Sussex county at its next session thereafter, which may be accepted by said Levy Court as the public road as aforesaid, and the said Levy Court shall make an allowance for the payment of all the costs attending the change of the said public road and the damages assessed therefor.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 11, 1883.

OF ROADS AND BRIDGES.

CHAPTER 139.

OF ROADS AND BRIDGES.

AN ACT to Straighten a Public Road in West Dover Hundred, Kent County, from Hawkins' M. E. Church to Wright's Cross Roads.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Martin R. Ford, Jonathan Slaughter and James Johns, three judicious and impartial citizens of Kent county, be and they are hereby appointed commissioners to go upon and view the lands and premises and determine whether it is necessary for public convenience to straighten the public road leading from Wright's Cross Roads to Hawkins' M. E. church, as follows: beginning at a point in the centre of said road on the dividing line of the lands of Mollie E. Vansant and Mary A. Daily, and running thence in a northeasterly direction, or in such direction as said commissioners may deem best, on lands of the said Mary A. Daily, Thos. J. Marvel, Wilson L. Cannon and the heirs of Beachamp Morris, until it intersects the public road between the two above-named places, Wright's Cross Roads and Hawkins' M. E. Church. If they, the said commissioners, shall so determine that said public road shall be straightened as aforesaid, then they shall, with the assistance of some skillful surveyor to be by them employed, locate and lay down the same, and assess the damages for the same on account of the location of said road, and also the cost of making said change, and they shall make a plot of the same showing the courses and distances.

SECTION 2. *And be it further enacted,* That the map and return so to be made as aforesaid by the commissioners shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court, that the said Levy Court may establish said road by paying such damages and costs as may have been assessed by said proceedings; and when said road may have been returned and established by the Levy Court of Kent county, the same shall be and remain subject to the same regulations as other public roads in the county.

SECTION 3. *And be it further enacted,* That the said commissioners and the surveyor selected by them, before

OF ROADS AND BRIDGES.

entering upon any of the duties required of them under this act, shall be severally sworn or affirmed, faithfully and impartially to perform the several duties required of them under this act according to the best of their skill and judgment respectively. The acts of a majority of the said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed commissioner or commissioners by any justice of the peace of Kent county. The said commissioners may qualify each other and the surveyor for the performance of their respective duties under this act, and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

Vacancy.

Fees.

SECTION 4. *And be it further enacted by the authority aforesaid,* That this act shall be deemed and taken to be a public act.

Passed at Dover, April 11, 1883.

CHAPTER 140.

OF ROADS AND BRIDGES.

A SUPPLEMENT to the act entitled "An act to authorize the vacation of a part of a certain Public Road near the Village of Farmington in Mispillion Hundred, in Kent County, and to substitute a New Road to be laid out in lieu of the part of said Public Road so vacated," passed at Dover, Delaware, April 5th, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Com-
mis-
sioners to
extend cer-
tain road.

Location.

SECTION 1. That the commissioners appointed by the act to which this is a supplement be and they are hereby further authorized, empowered and directed to extend the public road known as the Hammondtown road in a southerly direction through lands of Moses Harrington until it intersects the new public road authorized to be laid out by the said act to which this is a supplement; and that all the provisions of the said act to which this is a supplement in relation to the new

OF ROADS AND BRIDGES.

public road therein authorized to be laid out shall extend and be applied to the said extension of the said Hammondtown road.

Passed at Dover, April 13, 1883.

CHAPTER 141.

OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road in Duck Creek Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

[SECTION 1.] That David Rees, Charles H. Register and Peter E. Lowber, of Kent county, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in the county aforesaid, to commence at the western terminus of Commerce street, in the town of Smyrna, and thence on a line with said Commerce street through Spruance City to the intersection of a public road dividing said Spruance City from the lands of John Anthony; and if the said David Rees, Charles H. Register and Peter E. Lowber, or a majority of them, shall determine that there is need of such a new public road as above mentioned, then they shall, with the assistance of some skillful surveyor, to be by them employed, lay out such public road as shall be most proper, and shall make a map of said road, showing the courses and distances, and shall assess the damages of the property through which the road shall pass, and shall compute the cost of opening and making such road.

Commissioners.

Location.

Surveyor.

Plot.

Damages.

Cost.

SECTION 2. *And be it further enacted,* That the map and return so to be made as aforesaid by the commissioners shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court, and the said Levy Court may establish the said road by paying such damages and costs as may have been assessed by said proceedings; and when said road may have been so returned and established

Plot and return laid before the Levy Court.

Levy Court may adopt.

OF ROADS AND BRIDGES.

by the Levy Court of Kent county the same shall be and remain subject to the same regulations as other public roads or highways in the aforesaid county.

Oath. SECTION 3. *And be it further enacted*, That the said commissioners and surveyor shall, before performing the duties here assigned them, be sworn or affirmed to perform the duties incumbent upon them, according to this act, faithfully and impartially to the best of their skill and judgment; and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

Fees.

SECTION 4. *And be it further enacted by the authority aforesaid*, That this act shall be deemed and taken to be a public act.

Passed at Dover, April 19, 1883.

CHAPTER 142.

OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in Mispillion Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commissioners. SECTION 1. That Josiah Marvell, Joseph Booth and Amos Cole, three judicious and impartial freeholders of Kent county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Mispillion hundred, to begin at a point in the public road leading from the town of Harrington to the town of Frederica, at the corner of land of Samuel Powell and Thomas Hand, and then running a southerly direction with the line of lands of Samuel Powell, Thomas Hand and William H. Sapp to Brown's Branch, thence crossing said branch and continuing the same direction and running between or across lands of James C. Reed and J. G. Peckham to lands of Evan C. Reese, and thence between lands of said Reese and J. G. Peckham till it intersects the

Location.

OF ROADS AND BRIDGES.

"old mill road" leading from Harrington to Tharp's grist mill, at or near a new house on said "old mill road," and if they, or a majority of them, shall determine that there is need of such new public road, they shall, with the assistance of a Surveyor. skillful surveyor by them to be selected, proceed to lay out the same, and shall assess the damages of all the owners of Damages. lands through or along which the same shall pass, taking into consideration all the circumstances of benefit as well as injury, and shall make a computation of the costs of opening Cost. and making said new road, and shall return the same, accompanied by a plot of said new road, to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Plot and re- turn laid before the Levy Court. Court of Kent county at its next session, that the said Levy Court may make an appropriation for opening and making the same as a public road. When the draft and return shall Levy Court may adopt. have been accepted by the said Levy Court the said road hereinbefore authorized to be laid out shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent county are hereby extended to and shall apply to said road.

SECTION 2. That the commissioners and surveyor be Oath. severally sworn or affirmed before entering upon the duties hereby assigned to them to perform the same faithfully and impartially.

SECTION 3. That the pay of the commissioners, surveyor Fees. and chain-carriers shall be such as the Levy Court may deem proper.

SECTION 4. That all boards of commissioners appointed Vacancies. by act of the General Assembly at its present session to lay out public roads, shall have power and authority to fill any vacancy or vacancies that may occur in said commissioners from any cause.

Passed at Dover, April 19, 1883.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 143.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT to amend Chapter LXIII of the Revised Statutes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 2 of
Chapter 63,
Revised
Statutes
amended.

No days of
grace on
checks pay-
able at time
differing
from date.

SECTION 1. That Section 2 of Chapter 63 of the Revised Statutes be and the same is hereby amended by striking out the word "checks," in the fourth line thereof, and by adding to the said section the following, to wit: "but no days of grace shall be allowed on checks payable at a future or different time from that in which they are dated, or which are made payable on a particular day after date."

SECTION 2. That this amendment is to go into effect on the first day of May, A. D. eighteen hundred and eighty-three.

Passed at Dover, March 22, 1883.

OF WEIGHTS AND MEASURES.

CHAPTER 144.

OF WEIGHTS AND MEASURES.

AN ACT to Provide for the Regulation of Weights and Measures in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Regulator of Weights and Measures in and for New Castle county shall, once in every year, advertise in at least two newspapers in the county, one of each political party, the place where his office is located. He shall also once in every year go to all the stores, offices, booths, stalls or other places of business in his county (except the public market and market houses in the city of Wilmington) where any beams, scales, weights and measures are used for the purpose of buying and selling any goods, chattels or other things, and test and adjust or cause to be tested and adjusted (if possible) all such beams, scales, weights and measures, and stamp the same plainly with the letter "S" and the initial of his county and the current year. He shall also, in like manner, at all other times, test and adjust such beams, scales, weights and measures as may be brought to him for that purpose.

Regulator
for New
Castle
county.

Notice of
location of
office.

Annual
visits to reg-
ulate
weights,
measures,
etc.

Same must
be stamped,
and how.

SECTION 2. For which trial and adjustment the said regulator for New Castle county, in addition to the salary already allowed by law, shall demand and receive from the proprietors or owners of all such weights, and beams, and scales, and measures, the following fees, to wit: for the trial and balancing of every set of scales, eight cents; for every patent balance, fifteen cents; for every set of coal or hay scales, one dollar each; for every set of platform scales which draws five hundred pounds or under, fifty cents, and an additional sum of five cents for every one hundred pounds not exceeding two thousand pounds, and any platform scale drawing over two thousand pounds shall be classed as coal or hay scales; for every yard measure, two cents; for every bushel measure, ten cents; for every half-bushel measure, seven cents; for every peck and half-peck measure, five cents; for every quarter-peck measure, three cents; for every gallon, half-gallon and quart measure, three cents each; for every pint measure or less, two cents; for every weight of twenty-

Regulator's
fees. By
whom paid.

OF WEIGHTS AND MEASURES.

Additional fees. How adjusted. eight pounds or more, eight cents; for every weight less than twenty-eight pounds, two cents, and an additional charge or fee for labor or materials furnished for adjusting said beams, scales, weights and measures to be fixed by agreement between the regulator and the owner or user thereof; *provided, always,* that the said regulator shall only be entitled to one-half of the above fees for stamping such beams, scales, weights and measures as he shall find to be correct after testing the same.

Proviso.

How false weights, etc. are to be stamped. SECTION 3. The said Regulator of Weights and Measures for New Castle county is hereby required to stamp, or cause to be stamped, with the word "C'M'D," all false beams, scales, weights and measures, as he may find within the county that cannot be well adjusted, and shall be paid one-half of the fee for such test and stamping, as is provided for in this act in other cases, and all the provisions of this act relating to the inspection of beams, scales, weights and measures used for the purpose of buying and selling, shall also extend to all such beams, scales, weights and measures as are or may be used for ascertaining weights and measures for the purpose of charging for freight, tonnage, transportation, commission and all other charges, when such charges are regulated by weight or measure.

Fees.

Penalty for violation of the provisions of this act. SECTION 4. In case any user or owner of such beams, scales, weights and measures within the County of New Castle, in this State, shall refuse or neglect to comply with any of the requisitions which the said regulator is by this act authorized or directed to make; or shall knowingly sell or buy any false beams, scale, weight, or measure; or shall purposely alter any beam, scale, weight, or measure, so that the capacity is diminished or increased after the same shall have been adjusted and stamped; or shall, in buying or selling, knowingly use any beam, scale, weight, or measure, so altered, or shall purposely alter any beam, scale, weight, or measure so as to impair the adjustment thereof after the same shall have been adjusted and stamped; or shall knowingly have in his possession any beam, scale, weight, or measure so altered as aforesaid; or shall knowingly buy, sell, use, or barter by any beam, scale, weight, or measure, or other weighing or measuring apparatus that has not been duly adjusted and stamped as aforesaid; or shall knowingly make, use, or have in possession any false stamp or brand for stamping any beams, scales, weights, or measures, he or they

OF PILOTAGE, NAVIGATION AND VESSELS.

shall be guilty of a misdemeanor and be liable to indictment, and upon conviction thereof shall be fined not less than five nor more than fifty dollars, and shall pay the costs of prosecution. And all fines recovered for any offense under this act shall be for the use of the county, and be paid by the officer receiving the same to the Treasurer of New Castle county. *Provided, however,* that no owner or user of beams, scales, weights and measures, as aforesaid, shall incur any of the liabilities and penalties prescribed by this act until after the regulator has called at his or their store, office, booth, stall, or place of business, *for the purpose* of testing or adjusting the same.

Misde-
meanor.
Fine.
Pay costs of
prosecution.

Proviso.

SECTION 5. That all beams, scales, weights and measures tested, adjusted and stamped under the provisions of this act, which shall be used in the public markets and market houses of any city or incorporated town in said county, shall be liable to be tested and adjusted by the Regular of Weights and Measures of such city or town, but no fee shall be charged therefor; *provided, however,* that if, upon such testing and adjustment, such beams, scales, weights, or measures shall be found to be false, the person or persons in whose possession the same shall be found shall, in addition to the fees prescribed by Section 3 of this act, pay to the Regulator of Weights and Measures of such city or town the fees allowed to such regulator for like services under the ordinances and regulations of said city or town.

Weights,
etc., in pub-
lic market
and market
houses liable
to be tested.

No fee
allowed.
Proviso.

Passed at Dover, April 5, 1883.

CHAPTER 145.

OF PILOTAGE, NAVIGATION AND VESSELS.

AN ACT to amend Chapter 449, Volume 16 of the Laws of Delaware, entitled "An act regulating Pilots and Pilotage of and in the Bay and River Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 5 of Chapter 449, Volume 16 of the Laws of Delaware, entitled "An act regulating pilots and pilotage of and in the Bay and River Delaware," be and the

Sections 5
and 6, Chap-
ter 449, Vol-
ume 16, Vol-
ume 16, Vol-
ume 16, Vol-
amended.

OF PILOTAGE, NAVIGATION AND VESSELS.

same hereby is amended by inserting in the said section after the words "by a libel in admiralty in any United States District Courts," in the sixteenth and seventeenth lines of said section, the words following, to wit: "either *in personam* or by proceeding *in rem*, to enforce the lien hereby given him on such ship or vessel."

Section 6
amended.

Pilotage of
inward
bound
vessels.

Penalty for
refusal to
accept pilot.

How
recovered.

Remedy by
libel in
admiralty.

SECTION 2. That Section 6 of the said act be and the same hereby is amended by adding at the end of said section the words following, to wit: "Any pilot bringing in any inward-bound ship or vessel shall, by himself or one of his boat's company, be entitled to pilot said ship or vessel to sea when she next leaves the port; and if the master of such ship or vessel shall refuse or neglect to take such pilot, the master, owner, or consignee of such ship or vessel shall forfeit and pay to such pilot, suing for the same, a sum equal to the pilotage of such ship or vessel, to be recovered by a suit in our State courts, or before a justice of the peace; or such pilot may pursue his remedy therefor by a libel in admiralty in any United States Court, either *in personam* or by proceeding *in rem*, to enforce the lien hereby given him on such ship or vessel."

When
licenses
granted.

SECTION 3. That hereafter no license of the first or second class shall be granted to any person or persons, except such person or persons as have heretofore held, or do now hold such license under the laws of this State, or shall have served a regular apprenticeship of at least six years to a licensed pilot of this State, on board of a Delaware bay and river pilot boat, and all parts of said act entitled "An act regulating pilots and pilotage of and in the Bay and River Delaware," inconsistent herewith, are hereby repealed.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 15, 1883.

CONCERNING RAILROAD EQUIPMENTS.

CHAPTER 146.

CONCERNING RAILROAD EQUIPMENTS.

AN ACT to secure Manufacturers and Owners of Railroad Equipments and Rolling Stock in making conditional sales and certain contracts for the lease thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That in all cases where railroad equipments and rolling stock may have been or shall be sold to any person, firm or corporation, to be paid for in whole or in part in installments, or shall be leased, rented, hired or delivered on condition that the same may be used by the person, firm or corporation purchasing, leasing, renting, hiring or receiving the same, the title to the same to remain in the vendor, lessor, rentor, hirer or deliverer of the same until the agreed upon price of or rent for such property shall have been fully paid, such condition in regard to the title so remaining in the vendor, lessor, rentor, hirer or deliverer until such payments are fully made, shall be valid for all intents and purposes as to subsequent purchasers in good faith and creditors; *provided*, the term during which the installments or rent are to be paid shall not exceed ten years, and such contracts shall be in writing and acknowledged.

Railroad equipment leased or sold.

Title thereto to remain in vendor, if sold on condition.

Evidence by written agreement.

SECTION 2. That such contract shall be recorded in the office of the Secretary of State at Dover, and in the county in which is located the principal office or place of business of such vendee or lessee, and on each locomotive or car that may have been or may be sold or leased, the name of the vendor or lessor, or assignee of the vendor or lessor, shall be marked, followed by the word "owner" or "lessor," as the case may be.

Contract. Where recorded.

Name of owner or lessor marked on car or locomotive.

SECTION 3. That this act shall take effect from its passage.
Passed at Dover, February 7, 1883.

TITLE TENTH.

Of Corporations.

CHAPTER 147.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

AN ACT concerning Private Corporations.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Corporate
powers
enumerated
as follows.

SECTION I. That every corporation, as such, shall be deemed to have power:

I. To have succession, by its corporate name, for the period limited in its charter or certificate of incorporation, not exceeding twenty years, and when no period is limited, for twenty years, except corporations created by Act of Assembly for public improvement;

II. To sue and be sued, complain and defend in any court of law or equity;

III. To make and use a common seal, and alter the same at pleasure;

IV. To hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited in its charter, and all other real estate which shall have been bona fide mortgaged to the said company by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments or decree which shall be obtained for such debts; and to mortgage any such real or personal estate with their franchises; the power to hold real and personal estate shall include the power to take the same by devise or bequest, excepting when the same

GENERAL PROVISIONS CONCERNING CORPORATIONS.

is forbidden by law in certain cases; *provided, however*, that nothing herein contained shall prohibit manufacturing or trading corporations from accommodating their customers by making payments or disbursements out of any sum of money received from such customers;

V. To appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation;

VI. To make by-laws not inconsistent with the Constitution or laws of the United States or of this State, fixing and altering the number of its directors for the management of its property, the regulation and government of its affairs, and for the certification and transfer of its stock, with penalties for the breach thereof not exceeding twenty dollars;

VII. To wind up and dissolve itself, or be wound up and dissolved in the manner hereafter mentioned.

SECTION 2. The powers enumerated in the preceding section shall vest in every corporation that shall hereafter be created, although they may not be specified in its charter, or in the act or certificate under which it shall be incorporated. In addition to the powers enumerated in the first section of this act, and to those expressly given in its charter, no corporation shall possess or exercise any corporate powers except such as shall be necessary to the exercise of the powers so enumerated and given.

Applicable
to all future
corporations

SECTION 3. No corporation created under this act shall, by any implication or construction, be deemed to possess the power of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying gold or silver bullion, or foreign coins, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt upon loan for circulation as money.

Powers not
conferred.

SECTION 4. When the whole capital stock of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share, as fixed by the charter of the company or its certificate of incorporation, or such proportion of that sum as shall be required to satisfy the debts of the company.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

Additional powers to corporations organized to reclaim low lands.

Commissioners' duties.

Return.

Survey.

Valuation.

Damages. How paid.

Return conclusive.

Commissioners sworn.

SECTION 5. Any company created under this act for the drainage of low lands shall, in addition to the other powers conferred by this act, have power, for the purpose of the reclamation of low lands by ditching, draining and bringing them into cultivation, to enter upon any lands that, in the opinion of the directors or managers, will be benefited by the operations to be performed by the company, and with their workmen, laborers, teams, &c., to cut and make, and when made, from time to time, to clear out and scour all such ditches or drains as in the opinion of such directors or managers shall be necessary for effectually draining and reclaiming the said lands. Before taking any steps, however, to accomplish the ends of its incorporation, the said company shall apply to the Superior Court for the appointment of commissioners to go upon the lands through, along or across which the ditches of the said company are proposed to be cut, and view the same and determine whether any or which of them will be benefited by the same, and to make a return of their proceedings in the premises to the Recorder, with a survey of the proposed ditches, showing their course, and the lands, by general designation, through, along or across which they will run and to be benefited thereby, and the probable cost of making the improvements. They shall also return a valuation of the several parcels of land to be benefited by such improvements. Should there be upon the lines of the company's works any lands through, along or across which the ditches are to be made that will be injured by the making of them, they shall estimate such damage in money, and the same shall be paid to the owner, or, in case of his refusal to receive it, or absence from the State, or inability by reason of legal disability, it shall be deposited to his credit in the Farmers' Bank, or that branch thereof at the county seat, before the company shall have any right to construct or make their works through such land. The return of the commissioners shall be final and conclusive upon all parties, and shall be the basis upon which the taxes of the company are to be laid. It shall continue until a majority of the taxables demand a new one, proceedings for which shall be taken in the said court by petition, and the prayer of the petition granted if in the opinion of the court such new valuation is proper to be made at the time. Before any commissioners appointed under this section proceed to act they shall be sworn or affirmed, before a justice of the peace, to perform the duties of their appointment with fidelity, which qualification must be certified upon their return. When record is made of the return, the original

GENERAL PROVISIONS CONCERNING CORPORATIONS.

shall be delivered over to the company, and it, or the records, or any office copy of the latter, shall be evidence. The commissioners shall be each paid by the company two dollars for each day employed by them under this act, and the surveyor for his survey and plot (including fee of one dollar and fifty cents each per day to the chain-carriers) such sum as the commissioners may deem just; and this money shall be paid before the commissioners shall be required to make any return. The Recorder's fee shall also be paid to him at the time of the delivery over by him of the said return. Whatever money the company may find it necessary to raise for cutting the ditches (including the expenses in this section provided for,) and for keeping the same open and in repair, shall, from time to time, as the exigency may require, be collected by taxation of the owners, according to the nature of their property to be benefited; to provide for which the managers shall make an estimate of the money to be raised and apportion it among the said owners; and they shall at once give notice, under their hands, of a meeting of said owners, to be held at some convenient place, to consider the said apportionment. At said meeting any owner shall have the right to be present and object to the justice of the same in his case. The managers shall, at the close of the meeting (which shall be kept open three hours), reconsider their apportionment and alter the same if they deem it expedient so to do. Such reconsideration shall be final, and then they shall make a copy of the apportionment under their hands, and deliver the same to the treasurer; and when the company orders money to be collected for its necessary purposes, the Treasurer shall, upon receiving their warrant in writing, proceed to collect the same from the respective owners, according to such apportionment, and for that purpose shall have all the powers of a collector of county taxes. The apportionment shall have duration for the same time as the valuation by the commissioners, and taxes may, from time to time, be collected according to it, as the needs of the company may require. Orders for collection however only to be valid when made by the company at an annual meeting. In case of private owners of a ditch or ditches not within the company's limits, but the waters collected in which can be discharged into the ditches of the company, such private owners may be allowed to connect with the works of the company on such terms as the latter may prescribe, and may thenceforth become constituent members of said company, with the rights of such members, and subject as to themselves and their lands drained by such

Return recorded evidence.

Fees of commissioners.

Recorder's fee.

Taxation.

Apportionment. Notice.

Duties of treasurer.

Private owners of ditches may connect with works of the company.

Rights.

Liabilities.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

Duties of
managers
respecting
changes of
ownership.

Certificate
of incorpora-
tion.

May sell ac-
cumulated
funds at a
premium.

Certain
powers with-
held.

Violation.
Penalty.

Proviso.

private ditch or ditches, to all the burdens and responsibilities of other members or owners; and the managers shall, at once, add their lands to the other lands within the company's operations, and apportion their share of the taxes among them as above provided with respect to original owners. The managers shall take account of all changes of ownership of lands within the company's limits from whatever cause, and substitute the names of the new owners in lieu of the old ones upon their original apportionment, from which they shall be transferred to the copy in the hands of the treasurer, and when transferred the new owners shall stand in the place of the old, in all respects as if they had been original owners. Such companies as are provided for in this section shall set forth the name of the hundred or hundreds in which their operations are to extend in the certificate of their incorporation.

SECTION 6. Any building or building and loan association created under this act shall, in addition to the other powers herein granted, have power to sell its accumulated funds to and among its stockholders at any premium which may be obtained for the same, and when such funds cannot be loaned to any stockholder at par they may be loaned to any person not a stockholder at any rate of interest not exceeding six per cent.

SECTION 7. It shall not be lawful for the directors of any bank or moneyed or manufacturing corporation in this State, or any corporation created under this act, to make dividends, except from the surplus or net profits arising from the business of the corporation, nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the said corporation, or to reduce the said capital stock, except according to this act, without the consent of the Legislature; and, in case of any violation of the provisions of this section, the directors, under whose administration the same may happen, shall, in their individual capacities, jointly and severally, be liable at any time within the period of six years after paying any such dividends to the said corporation, and to the creditors thereof in the event of its dissolution or insolvency, to the full amount of the dividend made or capital stock so divided, withdrawn, paid out or reduced, with legal interest on the same from the time such liability accrued; *provided*, that any of the said directors who may have been absent when the same was done, or who may

GENERAL PROVISIONS CONCERNING CORPORATIONS.

have dissented from the act or resolution by which the same was done, may respectively exonerate themselves from such liability by causing their dissent to be entered at large on the minutes of the said directors at the time the same is done, or forthwith after they shall have notice of the same, and by causing a true copy of the dissent so entered on the minutes to be published within two weeks after the same shall have been entered on said minutes, in some public newspaper published in the county where the said corporation has its principal office or place of business, and if none be published in said county, then in a newspaper printed in an adjoining county and circulating in the neighborhood of such office or place of business of said corporation; and *provided, also*, that this section shall not be construed to prevent a division and distribution of the capital stock of the corporation which shall remain after the payment of all its debts upon the dissolution of the corporation or the expiration of its charter.

Further proviso.

SECTION 8. If any act shall hereafter be passed by the Legislature of this State which shall create any corporation, such corporation shall immediately be vested with and possessed of all powers in this act specified and set forth, subject to all provisions therein contained, unless such special act incorporating the same shall otherwise, in whole or in part, direct to the contrary.

Applicable to all corporations.

Exception

SECTION 9. Any corporation organized under any general law of the Legislature, now or hereafter to be passed, shall, in addition to the powers and restrictions thereon to which it may become subject, or of which it shall be possessed by virtue of its organization and the act authorizing the same, be additionally possessed of all the powers, and be subject to all restrictions thereon in this act contained, so far as the same are consistent with the act under which it may as aforesaid be organized.

SECTION 10. It shall be lawful for three or more persons to become incorporated under the provisions of this act for purpose of carrying on any manufacturing business, for the the business of preserving animal and vegetable food, for draining low lands, for building and loan associations, or for religious, charitable and literary purposes.

Who may become incorporated.

SECTION 11. The certificate of incorporation shall set forth:

Certificate.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

Contents as follows.

I. The corporate name;

II. The object of the incorporation and the location of the principal place of business, if it be for business purposes;

III. The amount of capital stock, the number and par value of shares, and the amount to be paid in before commencing business, which shall not be less than ten per cent. of the whole capital. This shall not apply to religious, charitable and literary corporations, unless it be desired to have a capital stock. In case of such corporations the election not to have a capital stock shall be stated in lieu of the amount thereof, and the conditions of membership shall also be stated;

IV. The name and residence of the original subscribers to the capital stock, or, if there be no stock, of the original corporators;

V. The periods at which the corporation shall commence and terminate, not exceeding twenty years;

VI. The value of real and personal estate of which the corporation may become seized and possessed.

The certificate may also contain any limitation upon the powers of the corporation, the directors, and the stockholders, which may be desired by the parties signing the same; *provided* such limitation does not attempt to exempt the corporation, the directors, or the stockholders from the performance of any duty imposed by this act or any law of this State.

Certificate signed and acknowledged.

The certificate shall be signed by the original corporators, or a majority of them, and shall be acknowledged, before any officer authorized by the laws of this State to take acknowledgments of deeds, to be the act and deed of the signers, respectively, and that the facts therein stated are truly set forth.

Amended certificates.

Amendments and alterations of the original certificate may be made by a supplemental certificate, presented, approved, filed and recorded in the same manner in every respect as is provided in reference to the original certificate.

To whom presented.

SECTION 12. The said certificate shall be presented to the associate judge of the county in which the principal place of business of the proposed corporation is located. Notice of the intention to apply for incorporation shall be published daily (if there be a daily paper published in the county) in two newspapers of the county for at least ten days imme-

Notice of intention to apply.

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diately prior to the application. If there be no daily paper ^{Publication} in the county, then for three successive issues. Satisfactory proof of the publication shall be made to the judge, who ^{Prob.} may, in any case, require any further publication which he may deem necessary. It shall be the duty of the judge to ^{Duty of judge.} peruse and examine the said certificate, and if, after such perusal and examination, it still appear to the said judge that the purposes of the proposed incorporation are lawful and involve nothing detrimental to the public interest and welfare, that the certificate is in proper form, that the proposed amount of the capital stock and value of real and personal estate which the corporation may acquire are proper with respect to the purpose of the incorporation, and that a majority of the corporators named in the certificate are then *bona fide* residents of this State, it shall be his duty to indorse thereon his approval and to transmit the said certificate so indorsed to the Secretary of State to be filed in his office, and a copy of the same, furnished and certified by the said Secretary, under his hand and the seal of his office, shall be recorded in the Recorder's office of the county in which the application aforesaid is made. ^{Certificate filed in office of Secretary of State. Certified copy recorded. Where.}

SECTION 13. The original copy of said certificate furnished ^{Evidence.} by the Secretary of State, when the same has been certified by the Recorder to have been recorded, or the record thereof, or a duly certified copy of such record, shall be evidence in any court of law or equity.

SECTION 14. Upon the making of the said certificate, and its approval, filing and recording as aforesaid, the persons ^{When incorporated.} therein named as original subscribers or corporators, their successors and assigns, shall be, from the time of commencement mentioned in said certificate and until the time limited therein for the termination thereof, a body corporate and politic in law and in fact, by the name mentioned in said certificate; *provided*, that the Legislature may at pleasure ^{Proviso.} dissolve any corporation created by virtue of this act, or alter and amend its charter.

SECTION 15. All companies that may be hereafter established within this State, under the provisions hereinbefore contained, or under any law of this State, and also the officers of every such company, and the stockholders therein, may exercise the powers and shall be governed by the provisions and be subject to the liabilities hereinbefore and hereinafter provided.

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Place of business out of this State.

Prov. so.

SECTION 16. Any company organized as aforesaid may carry on a part of its business out of this State, and have one or more offices or places of business out of this State, and may hold, purchase and convey real and personal estate out of this State as if the same were within this State; *provided*, that the certificate of the organization of such company shall state as near as conveniently can be, at the time of making said certificate, what portion of its business is to be carried on out of this State, and in what place or places it is to be so carried on; and shall also state the name of the town or city and county in which the principal part of the business of said company within this State is to be transacted, and such town, place and county within this State shall be deemed the principal place of business of said corporation within this State within the provisions of this act.

How conducted.

SECTION 17. The business of every corporation created under this act shall be managed and conducted by the directors thereof, who shall, respectively, be shareholders therein, and such other officers, agents and factors as the company shall think proper to authorize for that purpose; and every such company shall have a secretary and treasurer, who may or may not be the same person.

Number of directors.
How chosen

Term of office.

President.

The directors shall not be less than three in number, and they shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws, and shall hold their offices for one year, and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or stockholders, as shall be directed by the by-laws.

Other officers.
How chosen

Duty of Secretary.

The secretary and treasurer shall also be chosen annually, either by the directors or the stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the secretary shall record all proceedings of the corporation and directors, in a book to be kept for that purpose, and perform such other duties as shall be assigned to him.

Qualification of officers.

The directors shall have power to choose such other officers and agents as may be deemed necessary, and may secure the fidelity of any or all of the officers of the corporation by bond or otherwise; and they may also provide by the by-laws for the qualification of any or all of the officers before any person authorized by law to administer an oath.

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A failure to elect annually shall not dissolve a corporation. Dissolution.

Any vacancy among the directors or officers, occurring by death, resignation, removal, or otherwise, may be filled for the remainder of the year in such manner as shall be provided for by the by-laws of the company. Vacancies.
How filled.

SECTION 18. At all meetings of the company absent stockholders may vote by proxy, authorized in writing; and every company may determine by its by-laws the manner of calling and conducting all meetings, what number of shares shall entitle the stockholders to one or more votes, what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be necessarily represented at any meeting in order to constitute a quorum; and if the quorum shall not be so determined by the company, a majority of the stockholders in interest, represented either in person or by proxy, shall constitute a quorum. In the absence of any other provision by the by-laws each share of stock shall be entitled to one vote. Proxy.
What determined by
by-laws.

The first meeting of every such company shall be called by a notice, signed by a majority of the persons named in the before mentioned certificate, and designating the time, place and purposes of the meeting; and such notice shall, at least two weeks before the time of any such meeting, be published in some newspaper of the county where the corporation may be established, or, if there be none, then in one of an adjoining county; or said first meeting may be called without such notice or publication if two days' notice be personally served on all the parties named in the certificate, or if all the parties named in the certificate waive such notice and fix a time of meeting, then no notice or publication whatever shall be required of such first meeting. Notice of
first meeting
Publication.

Every such company may, at any meeting called for that purpose, increase its capital stock and the number of shares therein until it shall reach the amount named in the original certificate, and every stockholder shall have a certificate, under the seal of the company and signed by the treasurer, of the number of shares owned by said stockholder in said company. The shares of stock in every corporation in this State shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as the by-laws may provide; and whenever any transfer of shares shall be made for collateral security, and not abso- Increase of
stock.
Certificate.
Personal
property.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

lutely, the same shall be so expressed in the entry of said transfer.

Additional
certificate.
When.

In case more capital stock is necessary, an additional certificate may be filed under the hands and seals of two-thirds in interest of the stockholders, or their legal representatives, stating the amount of such additional capital required, which shall be acknowledged, and if approved by the judge shall be filed and recorded in a manner heretofore provided for in this act with respect to the original certificate; *provided* that for all stock issued under such supplemental certificates, such company, its directors and stockholders, shall be entitled to all the benefits and subject to all the liabilities contained in this act.

Assessments

SECTION 19. The directors of every corporation created under this act may, from time to time, assess upon each share of stock such sum of money as two-thirds of the stockholders in interest shall direct, not exceeding in the whole the amount at which each share shall be originally limited under the third article of the eleventh section of this act; and such sums so assessed shall be paid to the treasurer at such times and by such installments as the directors shall direct, the said directors having given thirty days notice of the time and place of such payments in a newspaper of the county where such a company is established, and if there be none, then in a newspaper circulating in the county.

How
enforced.

In default of the payment of such assessments, they may be collected by suit, or, after thirty days from the time appointed for the payment thereof, the treasurer of the company may sell at public auction such number of the shares of such delinquent owner or owners as will pay all assessments then due from him or them, with interest, and all necessary incidental charges; *provided*, two-thirds of the stockholders in interest shall so direct. Notice of the time and place of such sales and of the sum due on each share shall be given by advertisements for three weeks successively before the sale, in a newspaper of the county, or, if there be none, in a newspaper circulating in the county where such company is established; and further notice shall be mailed to such delinquent stockholder, if his post-office address is known. The shares so sold shall be transferred to the purchaser, who shall be entitled to a certificate therefor.

Sale.

Proviso.
Notice.

Certificate.
Contents.

SECTION 20. The president and directors, with the secretary and treasurer of such company, after the payment of

GENERAL PROVISIONS CONCERNING CORPORATIONS.

the last installment of the capital stock so fixed and limited by the company, shall make a certificate, stating the amount of capital so fixed and paid in in cash, which certificate shall be signed and sworn, or affirmed to, by the president, secretary and treasurer, and a majority of the directors, who shall, within thirty days after making the same, cause it to be recorded in the office of the recorder of deeds of the county wherein the business is conducted, or where their principal place of business is located.

Sworn to and
recorded.
When.
Where.

If any such corporation shall increase its capital stock, as before provided in this act, a similar certificate shall be made, signed, sworn or affirmed to, and recorded after the payment of the last installment of such additional stock. If any of the said officers shall neglect or refuse to perform the duties required of them in this section for thirty days after written request so to do by a creditor or stockholder of said company, they shall be jointly and severally liable for all debts of the company contracted before such certificate shall be recorded as aforesaid.

Certificate
when stock
is increased.

Liability of
officers.

SECTION 21. Whenever, in the judgment of the board of directors of any corporation organized under this act, or incorporated under any law of this State, it shall be deemed advisable and most for the benefit of such corporation that the same shall be dissolved before the expiration of the time limited in its certificate of incorporation or in its charter, it shall and may be lawful for such board of directors, within ten days after the adoption of a resolution to that effect, by a majority of the whole board, at any meeting called for that purpose, and of which meeting every director shall have received at least three days notice, to cause written or printed notices of the adoption of such resolutions to be mailed to each and every stockholder of such company residing in the United States, and also within said ten days to cause a like notice to be published in one or more newspapers of the county wherein said corporation shall have its principal place of business, or, if there be none, in a newspaper circulating in said county, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of such stockholders, to be held at the office of such company, in such county, to take action upon such resolutions so adopted by the board of directors, and which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which

In case of
dissolution.

Duty of
directors.

To call
meeting of
stockholders
Notice.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

meeting may, on the day so appointed, by consent of a majority in interest of the stockholders present, be adjourned, from time to time, for not less than eight days at any one time, of which adjourned meeting notice, by advertisement, in such paper, shall be given; and if, at any such meeting, two-thirds in interest of all the stockholders shall consent that such dissolution shall take place and signify such their consent in writing, then, and in such case, such companies shall, upon filing such consent, duly attested by their secretary signing the same together with a list of the names and residences of the then existing directors and officers, which list shall be duly verified by the secretary or president of said board in the office of the Secretary of State, and receiving from him a certificate that such consent has been filed, be dissolved; and the board of directors of that company shall cause such certificate to be published four weeks successively, at least once a week, in one or more of the newspapers of the county, or, if there be none, in one or more newspapers circulating in the county in which such company has been located and conducting its business; at the expiration of such time the said board shall proceed to settle up and adjust the business and affairs of such company in the same manner as though the same had been dissolved by the expiration of the time mentioned in their charter or certificate of incorporation; *provided* that the Secretary of State shall not issue the certificate of dissolution hereinbefore mentioned until satisfied by due proof that the requirements aforesaid have been fully complied with by such corporation.

Adjourned
meetings.
Notice.

How con-
sent to dis-
solution
obtained.

Certificate
of Secretary
of State.

Duty of
directors.

Proviso.

The provisions contained in this act may be amended or repealed at the pleasure of the Legislature, and every company created by this act shall be bound by such amendment; but such amendment or repeal shall not take away or impair any remedy against any such corporation or its officers for any liability which shall have been previously incurred.

Votes
refused.

Duty of
officers.

List of stock-
holders.

Where kept.

SECTION 22. After the first election of directors no stock shall be voted on at any election which shall have been transferred on the books of the company within twenty days next preceding such election; and it shall be the duty of the officer who shall have charge of the transfer books to prepare and make, at least ten days before every election, a complete list of the stockholders entitled to vote, arranged in alphabetical order. Such list shall be open to the examination of any stockholder, and shall be produced and kept at the time and

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place of election during the whole time thereof, and subject to the inspection of any stockholder who may be present. Upon the neglect or refusal of said directors to produce such list at any election they shall be ineligible to any office at such election.

Ineligible.
When.

The stock ledgers, or, if there be none, then the transfer books of the company, shall be the only evidence as to who are the stockholders entitled to examine such list or the books of the company, or to vote, in person or by proxy, at any election.

Evidence of
stockholders

SECTION 23. All elections for managers or directors of every incorporated company of this State shall be held by ballot (unless otherwise expressly provided in their respective charters), and every such election shall be held upon the day for the annual election specified in the certificate of incorporation, and between such hours as may be provided in the by-laws.

Elections by
ballot.

Time.

Every person holding stock in any company as executor, administrator, guardian, or trustee, shall represent the share or stock in his hands at all meetings of the company, and may vote accordingly as a stockholder in person or by proxy.

Qualifica-
tion of voters

If any incorporated company in this State shall purchase any of the stock of such company, or take the same in payment or satisfaction of any debt due to them, such stock shall not be voted, either directly or indirectly, at any election for directors of said company.

When not
entitled to
vote.

No person who is a candidate for the office of director in any incorporated company in this State shall act as judge, inspector, or clerk, or in any other character as the conductor of any election for directors for such company, unless there be an insufficient number of other stockholders present, and any violation of this provision shall make void the election of any such person as a director, and he shall be ineligible to the office of director of such company for twelve months next succeeding such election; *provided* that this election shall not apply to the first election of directors in any corporation.

Disqualifica-
tion for
officers of
election.

Proviso.

SECTION 24. It shall be the duty of the Superior Court, upon the application of any person or persons or a body corporate, who may be aggrieved by or may complain of any election, or any proceedings, act, or matter in or touching

Jurisdiction
of Superior
Court.

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the same, reasonable notice having been given to the adverse party or to those who are to be affected thereby as [to] such intended application, to proceed forthwith, and in a summary manner, to hear the affidavits, proofs and allegations of the parties, or otherwise inquire into the matter or causes of complaint, and thereupon to establish the election so complained of, or to order a new election, or make such order, and give such relief in the premises as right and justice may appear to the said Superior Court to require; *provided* that the said Superior Court may, if the case shall appear to require it, either order an issue or issues to be made up in such manner and form as the said court may direct, in order to try the respective rights of the parties who may claim the same to the office or offices, or franchise, in question, or may give leave to exhibit, or direct the Attorney General to exhibit, one or more information or informations in the nature of a *quo warranto* in the premises.

Proviso.

In case of failure to elect directors at a certain time, new election may be held.

Who entitled to vote.

Election, when ordered by Court.

Contempt.

When by-laws regulating elections valid.

SECTION 25. If at any time hereafter the election for directors of any bank or other incorporated company of this State shall not be duly held on the day designated and appointed by the act incorporating such bank or other incorporated company, or the certificate of incorporation, or by the by-laws of any such corporation, it shall be the duty of the president and directors of such bank, or other incorporated company, to notify and cause an election for directors to be held thereafter as soon as conveniently may be; and in all cases no share or shares shall be voted upon except by such person or persons as may have appeared on the stock ledger or transfer book of said company to have had the right to vote thereon on the day when, by the act of incorporation of such company, or by said by-laws, the said election ought to have been held.

The Associate Judge of the Superior Court resident in the county where the proper place of business of any corporation is located, may summarily order such election to be held upon the application of any stockholder, and may punish the directors as for a contempt of court for any neglect or failure to obey the order of such judge in reference to such election.

SECTION 26. No by-laws of the directors or managers of any incorporated company, regulating the election of directors or officers of such company, shall be valid unless the same shall have been made thirty days previous to any election of

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such company and subject to the inspection of any stockholder; and in all cases where the right of voting upon any share or shares of stock of any incorporated company of this State shall be questioned, it shall be the duty of the inspectors of the election to require the transfer book and stock ledger of said company, if both be kept, otherwise whichever is kept, as evidence of stock held in the said company, and all such shares as may appear standing thereon in the name of any person or persons shall and may be voted on by such person or persons, directly by themselves or by proxy, subject to the provisions of the act of incorporation.

Duty of
inspectors.

SECTION 27. In all cases where it is not otherwise provided by law, the meeting of the stockholders of all corporations of this State shall be held at the principal office or place of business of the company in this State; the directors may hold their meetings, and have an office, and keep the books of the company (except the stock and transfer books,) outside of this State if the by-laws of the company so provide; *provided, however*, that said company shall always maintain a principal office or place of business in this State, and have an agent of the company in charge thereof, wherein shall be kept the stock and transfer books of the company for the inspection of all who are authorized to see the same, and for the transfer of the stock; *and provided further*, that the Chancellor, or the Superior Court, or any judge thereof, may, upon proper cause shewn, summarily order any or all of the books of said company to be forthwith brought within this State and kept therein at such place as may be designated, for such time as such Chancellor, court, or judge may deem proper; and upon failure of any company to comply with such order its charter may be declared forfeited by the Chancellor or said court, and it shall therefrom cease to be a corporation, and all the directors and officers of said company shall be liable to be punished as for contempt of court for disobedience.

Meetings.
Where held.

Proviso.

Further
proviso.

Forfeiture.

SECTION 28. Whenever, for want of sufficient by-laws or officers duly authorized, or from other legal impediment, a legal meeting of any kind of the stockholders of any corporation cannot be otherwise called, three or more stockholders thereof may call a meeting of the company by giving ten days notice in a newspaper circulating in the county wherein the business is conducted, or where their principal place of business or office in this State is located; and such meeting

Meetings
other than
legal. How
called.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

so called shall be a legal meeting of the company; and if there be no officers of the company present whose duty it is to preside at meetings, the stockholders present may elect officers for the meeting; and it shall be the duty of the secretary of the company to record the proceedings of such meeting in the book of minutes of the company.

Duty of
secretary.

What con-
stitutes pay-
ment of
stock.

Liability of
of officer.

SECTION 29. Nothing but money shall be considered as payment of any part of the capital stock of any company organized under this act, except as hereinafter provided for the purchase of property; and no loan of money shall be made to a stockholder or officer therein; and if any such loan shall be made to a stockholder or officer of the company, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable, to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

What direc-
tors may
purchase.

SECTION 30. The directors of any company incorporated under this act may purchase mines, manufactories, or other property necessary for their business, and issue stock to amount of the value thereof in payment therefor; and the stock so issued shall be declared and taken to be full paid stock, and not liable to any further call, neither shall the holder thereof be liable for any further payments under any of the provisions of this act.

Officers
liable for
issuing false
certificates
or notices.

SECTION 31. If any certificate made, or any public notice given by the officers of any company in pursuance of the provisions of this act shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the company contracted while they were stockholders or officers thereof.

In case of
dissolution.

Trustees'
powers.

SECTION 32. Upon the dissolution in any manner of any corporation already created, or which may hereafter be created by or under any law of this State, the president and directors, or the managers of the affairs of the said corporation at the time of its dissolution, by whatever name they may be known in law, shall be trustees of such corporation, with full power to settle the affairs, collect the outstanding debts, and divide the moneys and other property among the stockholders, after paying the debts due and owing by such corporation at the time of its dissolution, as far as such moneys and property shall enable them.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

SECTION 33. The persons constituted trustees as aforesaid shall have authority to sue for and recover the aforesaid debts and property by the name of the trustees of such corporation, describing it by its corporated name, and shall [be] sueable by the same name, or in their own names or individual capacities, for the debts owing by such corporation at the time of its dissolution, and shall be jointly and severally responsible for such debts to the amount of the moneys and property of such corporation at the time of its dissolution, and which shall come to their hands or possession. Liabilities.

SECTION 34. All such corporations, whether they expire by their own limitation or shall be annulled by the Legislature, or otherwise dissolved, shall nevertheless be continued bodies corporate for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which such corporation may be established. Corporate existence continued for certain objects.

SECTION 35. When any corporation shall be dissolved in any manner whatever, the Chancellor, on application of any creditor or stockholder of such corporation, at any time, may either continue such directors trustees as aforesaid, or appoint one or more persons to be receivers of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation, or otherwise, all such suits as may be necessary or proper for the purpose aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation if in being that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such trustees or receivers may be continued as long as the Chancellor shall think necessary for the purpose aforesaid. Jurisdiction of the Chancellor. Duties.

SECTION 36. The Chancellor shall have jurisdiction of said application and of all questions arising in the proceedings thereon, and may make such orders, injunctions and decrees therein as justice and equity shall require.

SECTION 37. The said trustees or receivers shall pay all debts due from the corporation if the funds in their hands shall be sufficient therefor, and if not, they shall distribute Debts. How adjusted.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

Distribution the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the court for that purpose; and if there shall be any balance remaining after the payment of such debts and necessary expenses, they shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation, or their legal representatives.

Lien for wages. SECTION 38. In case of the insolvency of any corporation, the laborers in the employ thereof shall have a lien upon the assets thereof for the amount of the wages due to them, not exceeding one month's wages respectively, which shall be paid prior to any other debt or debts of said company; and "Laborers." the word "laborers" shall be construed to include all persons doing labor or service of whatever character for, or as workmen or employees in the regular employ of such corporations.

Title. SECTION 39. On the final dissolution of any corporation created under this act, all its real and personal estate, not legally disposed of, shall be vested in the individuals who may be stockholders at the time of such dissolution, in their respective proportions, and they shall hold the same as tenants or owners in common.

Civil action not to abate. SECTION 40. In any action now pending or to be commenced in any court of record of this State against any corporation now or heretofore existing, or that may be created hereafter, if said corporation become dissolved by the expiration of its charter or otherwise before final judgment obtained therein, the said action shall not abate by reason thereof, but the dissolution of said corporation being suggested and the names of the trustees of said corporation being entered upon the record, the said action shall proceed to final judgment against the said trustees by the name of the corporation.

When action on the case will lie. SECTION 41. When any of the officers or directors of any company, or stockholders thereof, shall be liable by the provisions of this act to pay the debts of such company, or any part thereof, any person to whom they shall be so liable may have an action on the case against any one or more of the said officers, directors, or stockholders; and the declaration in such action shall state the claim against the company and the ground on which the plaintiff expects to charge the defendants personally.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

SECTION 42. Any officer, director, or stockholder of a company who shall pay any debt of the company for which he is made liable by the provisions of this act, may recover the amount so paid in an action against the company, for money paid for their use, in which action the property of the company only shall be liable to be taken.

SECTION 43. Any corporation now existing under any law of this State, either general or special, may come under and be subject to the provisions and liabilities of this act in the same manner as if created under the same, if such company make a certificate under the hands of the president and directors of the company that said company desires to come under the said provisions and liabilities, which certificate shall be acknowledged, recorded and filed in the same manner as the certificate required by this act; *provided* that nothing in this section contained shall be held to affect any transaction, liabilities or debts of any such company heretofore done, accrued or contracted.

SECTION 44. It shall be lawful for any corporation heretofore or hereafter created under or by virtue of this act, or of any law of this State, at any time before the expiration of its charter, or the period named in its certificate of organization, to file in the office of the Secretary of State a certificate under its common seal, attested by the signature of its presiding officer, declaring its desire that the period of its existence as such corporation shall be extended for any time therein mentioned, not exceeding twenty years.

A duly authenticated copy of said certificate shall thereupon be recorded in like manner as the original certificate under this act, and upon the making and filing and recording of said certificate the period of existence of such corporation shall be extended as declared in such certificate as fully as if the said period had been named in the original charter or certificate of organization of such corporation.

And nothing herein contained shall be construed to interfere with the right of the State to abolish or repeal, alter or amend the charter of any such corporation, nor shall this act be construed to contain any irrevocable or other contract with the State contained in any charter beyond the time originally fixed for its expiration.

SECTION 45. The provisions of this act relating to stockholders shall include members whenever applicable.

GENERAL PROVISIONS CONCERNING CORPORATIONS

Secretary of
State to col-
lect State
tax.

Exemption.

Acts of cer-
tain religious
incorpora-
tions legal.

Future re-
ligious incor-
porations
subject to
certain pro-
visions.

SECTION 46. That the Secretary of State is hereby authorized and directed to demand, for the use of the State, on certifying any charter of incorporation or renewal thereof, authorized by this act, the sum of twenty dollars when the capital stock of such corporation shall exceed fifty thousand dollars, and ten dollars when the capital stock shall not exceed fifty thousand dollars; *provided* that in the case of corporations for religious, charitable, or literary purposes, the said tax shall not be charged or collected. The fees of the Secretary of State and of the recorder shall be as heretofore.

SECTION 47. All religious incorporations now or heretofore existing under and by virtue of Chapter thirty-nine of the Revised Statutes of this State, or any supplement or supplements thereto, or under and by virtue of Chapter 419 of Vol. 13 of Laws of Delaware, be and the same are hereby validated and made legal incorporations, and all acts done in pursuance of said acts are hereby made valid. And all religious incorporations hereafter to be created may be created by and shall be subject in every respect to the provisions of said Chapter thirty-nine of the Revised Statutes and any supplement or supplements thereto; and for this purpose the said chapter and any and all supplements thereto are hereby revived and re-enacted with the same force and effect as though the same were set out in full in this act. Any religious incorporations created under this act shall be subject to the provisions of Section 10 of said Chapter 39 of the Revised Code.

SECTION 48. That Chapter 119 of Volume 15, Laws of Delaware be and the same is hereby repealed, provided that such repeal shall in no way affect any company incorporated under the provisions of said Chapter 119.

SECTION 49. This act shall be a public act, and shall be published as such.

Passed at Dover, March 14, 1883.

GENERAL PROVISIONS CONCERNING CORPORATIONS.

CHAPTER 148.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT for the Preservation of Peace and Good Order.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That corporations owning or using any railroad, steamboat, canal, rolling mill, shipyard, car factory, or manufacturing establishment of any kind, within this State, may, jointly or severally, from time to time, apply, by petition, to the Governor to commission such person or persons as the said corporation or corporations may designate, to act as special constables for the protection of the property of said corporation or corporations, and for the preservation of peace and good order on their respective premises, railroad trains, or steamboats, and also for the protection of persons traveling thereon.

Corporations may petition the Governor for appointment of special constables.

Object.

SECTION 2. The Governor, upon such application, may, if he thinks it proper so to do, appoint such persons, or so many of them as he may deem proper, to be such special constables, and shall issue to every person so appointed a commission for the term of two years, unless sooner revoked; and the person thereby appointed shall, before entering upon the duties of his office, take and subscribe, before a justice of the peace, an oath or affirmation that he will perform his duties with fidelity, and cause his commission, with such affidavit endorsed thereon, to be duly recorded in the Recorder's office of the county wherein he resides. Every such special constable so commissioned and qualified shall possess and exercise, within this State, all the authority and powers now conferred on policemen in the City of Wilmington.

Appointment.

Term of office.

Special constable sworn

Recorded. Where.

Powers.

SECTION 3. The Governor may at any time revoke any such commission at his pleasure, and, upon the written application of the corporation or corporations upon whose petition such special constable shall have been appointed, shall revoke such commission; such revocation to be effected by an order in duplicate, signed by the Governor, one whereof shall be mailed to the special constable and the other filed in the Recorder's office where the commission is recorded and noted on the record of said commission.

Governor may revoke commission.

Mode.

OF INSURANCE COMPANIES.

Compensation. By whom paid.

SECTION 4. That the compensation of every such special constable shall be wholly paid by the corporation or corporations upon whose petition he was appointed, and neither the State nor any county thereof shall be responsible for any part of such compensation.

SECTION 5. That this act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, February 27, 1883.

CHAPTER 149.

OF INSURANCE COMPANIES.

AN ACT to re-enact the Act of Incorporation of "The Kent County Mutual Insurance Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

SECTION 1. That the act entitled "An act to incorporate the Kent County Mutual Insurance Company," passed at Dover, January 15th, 1849, and the act entitled "An act to amend the charter of 'The Kent County Mutual Insurance Company' and to extend the same for the period of twenty years," passed at Dover, February 17th, 1865, and the act entitled "An act to amend the charter of the Kent County Mutual Insurance Company," passed at Dover, March 12th, 1873, as the same are now in force and operation, be and the same are hereby re-enacted, extended and continued in force, as hereby altered and amended, for the period of twenty years from and after the passage of this act, and the said corporation thereby created, by the name of "The Kent County Mutual Insurance Company," shall have existence for the said period with the powers and capacities conferred by the said several acts as now in force and as hereby amended.

SECTION 2. That the third section of the act entitled "An act to amend the charter of 'The Kent County Mutual Insurance Company' and to extend the same for the period of twenty years," passed February 17, 1865, be and the same is

Section 3 of Chapter 517, Volume 12, amended.

OF INSURANCE COMPANIES.

hereby stricken out and the following inserted in lieu thereof:

"The affairs of said company shall be conducted by a board of nine directors, three of whom shall be elected annually, at the annual meeting of the members of said corporation on the third Wednesday of January in each year, to serve for the period of three years and until others are chosen in their stead, except that at the annual meeting next succeeding the passage of this act there shall be nine directors elected, three of whom shall be elected for one year, three for two years, and three for three years, and until said annual meeting the directors now in office shall be the directors of said company. The annual meetings of the company shall be held between the hours of ten o'clock A. M., and one o'clock P. M., at the office of said company, in the town of Dover, and prior notice of each of such meetings shall be given, by advertisement in one or more newspapers in this State, for at least two weeks. The directors may choose a president, vice-president, secretary, treasurer, surveyors, appraisors, and other necessary agents; may fill vacancies in their own body by appointment, to continue until the next annual meeting, when any such vacancy shall be filled by the members of the company by election for the residue of the unexpired term. The vice-president shall have such powers as may be conferred, and shall discharge such duties as may be enjoined by the by-laws of the corporation. A majority of the directors shall form a quorum, but a smaller number may make insurance. Before discharging any of their duties the directors shall be sworn or affirmed that they will discharge said duties with fidelity, and such oath or affirmation shall be certified by the officer administering it and be recorded on the books of the corporation. The president and vice-president shall be chosen from the directors, and the ceasing to be a director shall vacate the office. None of the other officers or agents provided for by the charter shall be required to be directors."

Directors.
Term of
office.

Annual
meetings.
When held.
Notice.

Officers
chosen.

Vacancies.
How filled.

Powers of
vice-presi-
dent.

Directors
sworn.

Passed at Dover, January 29, 1883.

OF INSURANCE COMPANIES.

CHAPTER 150.

OF INSURANCE COMPANIES.

A Further Supplement to the act entitled "An act to incorporate 'The Delaware Fire Insurance Company,'" passed at Dover, January 21, 1826.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Section 3 of
Chapter 321,
Volume 6,
amended.

SECTION 1. That Section 3 of said original act be amended by striking out of line 3 of said section, as printed in Volume 6, Laws of the State of Delaware, the word "nine," and inserting in lieu thereof the words "not less than nine and not more than thirteen."

Capital
stock
increased.

How divided
Rights of
holders of
stock.

SECTION 2. *And be it further enacted,* That the capital stock of said corporation may be increased to a sum not exceeding five hundred thousand dollars (\$500,000), as the stockholders shall, from time to time, determine, the same to be divided into shares of fifty dollars each. Each holder of shares of such increased capital stock shall be entitled to and enjoy the same rights and privileges under the same conditions as any and every other stockholder of said corporation. Such shares of increased capital stock shall be subject to the same restrictions, limitations and forfeitures as the shares of stock hereinbefore issued by said corporation.

Passed at Dover, March 6, 1883.

OF INSURANCE COMPANIES.

CHAPTER 151.

OF INSURANCE COMPANIES.

A Further Supplement to an act to incorporate the New Castle County Mutual Insurance Company, passed at Dover, February 6th, 1849, and renewed by an act passed January 25th, 1869.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. There shall be a vice-president of said company, who shall be elected annually by the board of directors from among their own number, and who shall, in case of vacancy in the office of president, act as such until such vacancy be filled, and during the absence, sickness, or disability of the president, his powers and duties shall devolve upon the vice-president. Election of vice-president. Powers.

SECTION 2. Any vacancy in the office of vice-president may be filled by the directors, who may also elect a director to fill that office until the next annual meeting. Vacancy. How filled.

Passed at Dover, March 23, 1883.

CHAPTER 152.

OF INSURANCE COMPANIES.

AN ACT to incorporate the Wilmington Trust Safe Deposit and Insurance Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That William Canby, George S. Capelle, William T. Porter, Caleb Hill Brinton, Henry C. Robinson, Thomas S. Bellah and Walter Cummins, together with all and every other person and persons who may hereafter become stockholders in the company hereby incorporated, their Corporators.

OF INSURANCE COMPANIES.

successors and assigns, shall be and are hereby constituted and made a body politic and corporate by the name of the
 Name. Wilmington Trust Safe Deposit and Insurance Company, and
 Powers. by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatever in this State and elsewhere in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever.

Purpose of act. SECTION 2. That the object and purpose of this act is to organize an incorporated company, and to authorize and empower it as such, and said company is hereby authorized
 Powers of the company and empowered to receive and hold for its own use, benefit and behoof, and also on deposit and in trust and as security, moneys or other property and estate, real, personal and mixed, of whatsoever kind and nature, and the same to invest and reinvest, purchase, collect, adjust, settle, assign, sell and dispose of in any manner without proceeding in law or equity and upon such terms as may be agreed upon between the company and the parties contracting with it, to accumulate the interest or income thereof at such rates and in such manner as may be agreed on, or to allow and pay such interest or income therefor and thereon as may be stipulated and agreed on between the parties, not exceeding the legal rate
 What may be received on deposit. of interest; also to receive upon deposit for safe keeping, upon such terms as may be prescribed in the by-laws, or as shall be agreed on, money, jewelry, plate, deeds, bonds, and any and all personal property of every sort and kind, including certificates of stock, securities and other evidences of the same, or of title thereto, as well from executors, administrators, guardians, public officers, receivers, assignees, trustees, and all other fiduciaries, who are hereby expressly authorized to make such deposits or bailments, as from all other persons and corporations; and said company is hereby authorized to
 Further powers conferred. provide and make bargains and arrangements for the rent, or hire, or use of safes, vaults, and other receptacles for such property; also to accept and execute trusts of any and every description, to become assignees in bankruptcy, to collect the income, make investments, and to assume the agency or management of any property which may be committed or transferred to it with its consent, by any person or persons whatever, or by any corporation or public officer, or by any court of record, whether of this or any other State, or of the United States; to accept and execute the office and appoint-

OF INSURANCE COMPANIES.

ment of receiver, assignee, guardian, executor, or administrator, or other trustee of any kind and nature whatever, whether such office or appointment is conferred or made by any person or persons, or by any register of wills, or by any orphans' or other court, either of the United States or of any of them, or of this State; and that in all cases where application shall be made to any court or register of wills for the appointment of any receiver, assignee, guardian, executor, or administrator, or other trustee, it shall and may be lawful for such court or register to appoint the Wilmington Trust Safe Deposit and Insurance Company, with its consent, such receiver, assignee, guardian, executor, or administrator, or trustee, and the accounts of said company, as such receiver, assignee, guardian, executor, or administrator, or trustee, shall be regularly settled and adjusted before the proper tribunal, and upon such settlement and adjustment all proper, legal, usual and customary charges, costs and expenses shall be allowed to said company for its care and management of the trusts and estates aforesaid; and the said company, as such receiver, assignee, guardian, executor, administrator, or trustee, shall be subject to all orders or decrees made by the proper tribunal under the laws of this State; also to act as agents for the purpose of registering, issuing or countersigning the certificates of stocks, bonds, or other obligations of any corporation, association, municipality, state, or public authority, and to receive and manage any sinking fund therefor on such terms as may be agreed upon between the contracting parties, and in like manner and on similar conditions may act as treasurer of any incorporation or municipality; also to insure owners of real estate, mortgagees, and others interested in real estate, from loss by reason of defective titles, liens and incumbrances, to make insurance for the fidelity of persons holding places of responsibility and trust, to enter security and become surety for any person or persons for the faithful performance of any trust, office, duty, contract, or agreement. And it is further authorized to become sole surety in any and all cases where by law one or more sureties are required for the faithful performance of any trust or office, or for the faithful performance or payment of any recognition, suit, judgment, order, or decree entered or to be entered of any court of record; and it shall and may be lawful for any court of the United States, or of this State, or elsewhere, to approve said company as sole surety in all such cases, and in every such case the capital stock of said company shall be taken and considered as sufficient security

May accept appointment of certain offices of trust.

Accounts. How adjusted.

Expenses allowed.

Subject to orders, etc., of courts.

May act as agents for certain purposes.

May receive and manage funds.

May insure owners of real estate against loss from defect in title, etc.

Power to insure fidelity of officers.

Power to become surety in certain cases

Capital stock sufficient security.

OF INSURANCE COMPANIES.

therefor; but in such case the officers and affairs of the said company shall be subject to examination, and its property and effects liable as aforesaid. And it shall be lawful for said company to stipulate and provide for indemnity and compensation from the person or persons for whom it shall become responsible, and to enforce any contract, pledge, or other security made or given for that purpose, as may be equitable and just.

May provide
for indem-
nity.

May acquire
real and per-
sonal prop-
erty, and in-
vest or dis-
pose of the
same.

Common
seal.
By-laws.

Powers and
rights.

SECTION 3. That the said corporation is authorized to purchase, take, lease, hold, and enjoy all such estates, real, personal and mixed, as may be obtained by the investment of its capital stock and all other moneys and funds that may come into its possession in the course of its dealing and business, and the same to invest, sell, grant, convey, loan, mortgage, and otherwise dispose of at its pleasure; to have and to use a common seal, and the same to alter and renew, to make and ordain such by-laws, not inconsistent with the constitution or laws of the United States, or of this State, as may be proper and necessary for the management and regulation of the company and its business, which, when made and adopted, shall have the same force and effect as if herein specifically set forth, and the same to alter and amend at pleasure, and generally shall and may have and exercise all the powers, rights, privileges and franchises incident to a corporation and necessary to accomplish the purposes for which said corporation is hereby created.

Paid up cap-
ital stock
ample se-
curity.
When.

Liability.

Deposit of
moneys, etc.

Affairs may
be examined
under order
of court.
Report.

SECTION 4. That whenever the said company shall be appointed trustee, or depository, receiver, assignee, guardian, executor, or administrator, it shall not be required to give any security, but the capital stock of said company, as paid in, and not being less than fifty per centum thereof, shall be taken and considered as the only security required by law for the faithful performance of its duties aforesaid, and shall, together with its property and effects, be absolutely liable in any case of default whatever. Any court having jurisdiction of the matter, or which shall appoint the said company a receiver, assignee, guardian, executor, administrator, or other trustee, or shall order the deposit of moneys or valuables of any kind with said company, if it deem it necessary, may, from time to time, appoint a suitable person to investigate the affairs and management of said company, who shall report to said court the manner in which its investments are made, and the security afforded to those by or for whom its engage-

OF INSURANCE COMPANIES.

ments are held; and the expenses of such investigation shall be defrayed by the said company, or the court may, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid.

Expenses of examination How borne. Officers may be examined under oath.

SECTION 5. That said corporation, unless directed by deed or will to the contrary, or required so to do for payment of debts, expenses, or pecuniary legacies, shall not be obliged to convert into cash or change any investments in stocks, loans, or other securities, which may come into its possession whilst acting in any of the aforesaid official or fiduciary capacities, if, in its discretion, such conversion would be disadvantageous.

When certain securities are to be converted into cash.

SECTION 6. Upon any sum not less than one hundred dollars which shall be collected or received by said company in its capacity of trustee, assignee, guardian, or receiver, under the order of any court, a reasonable interest shall be allowed, of not less than four per cent. per annum, which interest shall continue to accrue until the moneys so received shall be duly expended and paid over or distributed; *provided* that said company be authorized, whenever it so desires, to deposit the same in any bank, trust or safety deposit company, or savings institution; in which case it shall only be required to allow such an amount of interest as it shall actually receive thereon.

When reasonable interest allowed.

Proviso.

SECTION 7. When the annual income of an infant, whose estate the said company shall be the guardian, shall exceed the sum allowed or which may be sufficient for the education, maintenance and support of said infant, such surplus income shall be accumulated by the said company for the benefit of such infant by adding interest annually on the whole as a new principal, the interest so to be allowed and added upon such accumulation in no case to be less than four per centum per annum.

Surplus income of estates of infants.

Accumulation for their benefit.

Rate of interest.

SECTION 8. That the capital stock of said corporation shall consist of one thousand shares of stock of the par value of one hundred dollars each, being one hundred thousand dollars, with the privilege to increase the same, by a vote of the stockholders at an annual or special meeting, to one million dollars; and the corporators, or a majority of them, named in the first section of this act, shall have power to open books for subscriptions at such times and places as they may deem expedient; and when not less than five hundred shares

Capital stock.

Privilege of increasing the same.

Subscription books Time and place of opening.

OF INSURANCE COMPANIES.

shall have been subscribed and ten per centum thereon shall have been paid in (active business shall not be commenced, however, until at least fifty thousand dollars shall have been paid in on the capital stock), the shareholders may elect a board of directors, not less than seven in number, nor more than thirteen, as may be prescribed by the by-laws, to serve until the ensuing annual election, or until their successors shall be duly elected and qualified. One of the directors shall be chosen president, either by the directors or stockholders, as shall be prescribed by the by-laws. The directors so elected of said company, when it shall have been organized, and their successors and assigns, may and they are hereby authorized and empowered to have and to exercise in the name and in behalf of the company all the rights and privileges incident to a corporation and which are hereby given, subject to such liabilities as other shareholders are subject to, which liabilities are no more than for the payment to the company of the sums due, or which may become due on the shares held by them; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a pro rata share of the increase upon payment of par value for the same.

Election.
Board of
directors.
Number.
Term.

President.
How chosen

Duties and
powers of
directors.

Liabilities.

Stock
increased.
Stockhold-
ers' share.

Principal
office.
Branch
offices.
Election of
directors.
When.

Eligibility.

Compensa-
tion of
officers.

Notice of
election.

Judge and
inspectors.

SECTION 9. The principal office of said company shall be in the City of Wilmington, but branch offices and agencies may be established elsewhere. The directors shall be elected annually by the stockholders on the second Tuesday of January, unless otherwise ordered by the by-laws. All elections shall be by ballot, and at such elections, and at all meetings of stockholders, every stockholder shall be entitled to one vote for every share of stock held by him, subject to such restrictions as may be provided for by the by-laws; but no person shall be eligible as director who is not a stockholder to the amount of ten shares, and all the directors shall be citizens of the United States and of the State of Delaware, and shall reside therein. The directors may select from their own number such of the officers of the company as they deem necessary and expedient, and may provide for their proper compensation or salary.

SECTION 10. Ten days notice shall be given, by publication in two newspapers published in the City of Wilmington, of the time and place of the annual elections, which elections shall be conducted by three stockholders, one of whom shall act as judge and the others as inspectors.

OF DITCHES.

SECTION 11. The directors shall have power to declare Dividends. such dividends of profits of the company as they may deem proper; *provided* that no dividend shall be declared when the Proviso. capital stock would be impaired thereby.

SECTION 12. This act shall be deemed and taken to be a This act public act, and shall be published with the other public acts published at passed at this session of the Legislature; *provided* that the expense of the Wilmington Trust Safe Deposit and Insurance Company shall pay the expense of publishing the same; and the power to amend, alter, or revoke the same is hereby reserved to the company. Legislature.

Passed at Dover, April 18, 1883.

CHAPTER 153.

OF DITCHES.

AN ACT to revive and re-enact an act entitled "An act to incorporate the Tomahawk Branch Ditch Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein),* That the act entitled "An act to incorporate 'The Tomahawk Branch Ditch Company,'" passed at Dover, Chapter 461, Volume 16, re-enacted with an amendment. March 15th, A. D. 1881, be and the same is hereby revived, re-enacted and continued in full force and effect.

SECTION 2. *And be it further enacted,* That the said act be amended by striking out the word "April" wherever Amended by inserting July for April. it occurs in said act, and inserting in lieu thereof the word "July."

Passed at Dover, February 6, 1883.

OF DITCHES.

CHAPTER 154.

OF DITCHES.

An Additional Supplement to an act entitled "An act to enable the owners and possessors of the Marsh Meadows, on the north side of the Christiana River, called Middleburgh Marsh, to keep the Banks, Dams and Sluices in repair and raise a Fund to defray the expenses thereof," passed in the year 1769.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of both branches concurring therein),* That from and after the recording of this act (as hereinafter provided for,) at all stated or special meetings of the owners of the Marsh Meadows mentioned in the title hereof, upon all questions that may come before such meetings requiring to be decided by ballot, and in all elections for officers, the vote shall be as follows, to wit: The owner of not less than one and under three acres shall be entitled to one vote; for every two acres above one and under ten the owner shall be entitled to one additional vote; for every three acres above ten and under twenty an additional vote, and for every five acres above twenty one additional vote. Any owner may vote by proxy in the same ratio; *provided* the appointment of such proxy be made under the hand of the owner, attested by two competent witnesses.

SECTION 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the managers for the time being, who shall have been chosen by virtue of the act and supplement to which this act is an additional supplement, to procure a certified copy of this act to be recorded in the office for recording of deeds at Wilmington, in and for the county of New Castle, and such recording thereof shall be deemed and taken to be and shall be evidence of the acceptance of this act by the owners of said Marsh Meadows.

SECTION 3. *And be it further enacted by the authority aforesaid,* That so much of the act and supplement to which this is an additional supplement, as is hereby altered or supplied, shall be and the same is hereby repealed; this repeal to take effect from and after the recording of the said act as aforesaid.

OF DITCHES.

SECTION 4. *And be it further enacted*, That the power to revoke this act is hereby reserved to the Legislature.

Passed at Dover, February 13, 1883.

CHAPTER 155.

OF DITCHES.

AN ACT to renew and to amend the act entitled "An act to incorporate the Agricultural Canal Company, of Baltimore Hundred, Sussex County, Delaware."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring)*, That James H. Law, Jacob A. Wilgus, Zadock J. Evans, John Wilgus, John W. Daisey, Charles C. Rickards, Isaac D. Rickards, Peter W. Bennett, Stephen Rickards, Smyth W. Floyd, Mary D. M'Cabe, Charles W. Daisey, Joshua T. Evans, Thomas Dukes, Maria L. Tire, Lucinda A. Daisey, Catharine P. Bennett, Mack C. Long, E. H. Derickson, L. H. Derickson, Lemuel Lynch, James Anderson, and such other persons as are now or may hereafter become the taxables and owners of the low grounds drained by the said Agricultural Canal in Baltimore hundred, Sussex county, as the same has been heretofore laid out and surveyed and confirmed under the then existing laws of the State of Delaware, are declared to be a corporation and body politic by the name of the Agricultural Canal Company, of Baltimore hundred, and by that name may have succession and successions, and may have a common seal, sue and be sued, implead and be impleaded in all courts of record in the state and elsewhere, and shall have the right and the power and legal authority which shall be necessary to carry into effect the said corporation, but the said company shall not exercise banking powers.

Chapter 505,
Volume 12,
renewed and
amended.

Incorporation.
Name.

Powers.

Banking
powers.

SECTION 2. *And be it further enacted*, That the said taxables and owners so as hereinbefore described, in order to effect the objects of said corporation, shall meet on the first Saturday of May next, in the school house in District No. 119, Sussex county, and on the first Saturday of May annu-

First meet-
ing in May.

OF DITCHES.

Annual meeting in May to elect managers and treasurer.

Every dollar of tax paid entitles taxable to one vote.

Notice. •

ally thereafter, at two o'clock, P. M., and elect from among the taxables aforesaid two managers and one treasurer to serve for one year and until their successors shall be duly chosen and be qualified; that at such election each voter shall be entitled to one vote for each and every dollar of tax paid by him, her, or them, for the last assessment made before the election at which such persons shall offer to vote. Notice of the time and place of meeting shall be posted for ten days in five of the most public places in the neighborhood of said canal, signed by the managers and treasurer, or one or more of them, or in the case of the death or disqualification, or the refusal or neglect of the said managers and treasurer to advertise the said annual meeting, then any two of said taxables are authorized to advertise the same, as directed herein.

Commissioners chosen.

May open old branches Valuation of lands drained.

Appraisement.

SECTION 3. *And be it further enacted,* That the said taxables or corporators shall, at their first meeting to be held as aforesaid, choose, by ballot and a plurality of votes, three substantial and disinterested freeholders of Sussex county aforesaid, having no interest in any of the lands drained or benefited by said canal, as commissioners to go on the aforesaid canal, and if their judgment shall deem it prudent and necessary for the drainage of any of the low lands of the taxables or corporators, they shall widen, deepen and otherwise enlarge any old branch or branches of said canal, and to make a valuation of the lands drained or benefited by said canal; and the said commissioners are hereby further authorized and required to go upon and view all the lands which, in their opinion, or in the opinion of a majority of them, are drained or benefited by said canal, and to ascertain all of the said owners of the said lands drained or benefited by the said canal, and the quantity of such lands held by each owner, or by the joint or common owners, if any be held undivided, and to appraise all the said lands which, in their opinion, or in the opinion of a majority of them, are drained or benefited by the said canal, and shall determine the value of the said lands according to the situation thereof, and upon such principles as will do equal justice to all the owners thereof, which said appraisement shall be the basis of assessment for all the taxes levied under this act for the period of ten years next ensuing the date of making said appraisements; and if, at the expiration of said period of ten years, the said taxables or corporators shall, by ballot and by plurality of votes, at a stated annual meeting of said taxables or

OF DITCHES.

corporators, determine to make a new appraisalment of said land drained or benefited by said canal as a basis for all their subsequent assessment of taxes, they shall choose, by ballot and a plurality of votes, the other like commissioners for the purpose of making such appraisements, who shall have all the powers vested in and perform all the duties herein required of those first chosen under this act, and whose appraisalment, when duly certified to a meeting of the said taxables or corporators, shall continue for ten years thereafter as a basis for all their subsequent taxations under this act; but if the said taxables or corporators shall otherwise determine at said meeting, the appraisalment first made under this act shall continue as a basis of all the then subsequent taxations under this act for the period of ten years thereafter.

SECTION 4. *And be it further enacted*, That the said commissioners, or a majority of them, shall, within thirty days from the day of their appointment, call a special meeting of the said taxables or corporators, by giving five days public notice in writing, posted as aforesaid, to which said meeting the said commissioners, or a majority of them, shall return a certificate, made under their hands, or the hands of a majority of them, containing the names of the respective owners of the said lands, the quantity of said lands held by each owner, or by joint owners (if any be undivided), and the appraisalment of the said several quantities or parcels of said lands by said commissioners to be named as aforesaid; and the said commissioners are hereby further authorized and required, after viewing the said Agricultural Canal, to estimate the probable expense of cleansing and repairing the said canal; and the said commissioners, or a majority of them, shall, within thirty days after their appointment, certify to the managers for the time being the amount of such estimate. If any of the said commissioners shall die, resign, remove from Sussex county, or refuse to act before all the said duties of the said commissioners shall have been completed, then and in that case the said taxables or corporators may, at any annual, adjourned, or occasional meeting, choose a commissioner or commissioners to fill the vacancy or vacancies; and each commissioner shall be sworn or affirmed, by some judge of the state, or justice of the peace in and for Sussex county, to discharge the said duties faithfully and impartially according to the best of their skill and judgment; and every commissioner shall, for each and every day's service in and about

New appraisalment.

Commissioners.
Powers.

Special meeting.

Notice.

Certificate.
Return.

Expenses.

Duty of commissioners.

Vacancies.
How filled.Commissioners
sworn.

OF DITCHES.

the business of said company under this act, be entitled to receive of said company the sum of one dollar and fifty cents.

SECTION 5. *And be it further enacted,* That for the purpose of raising the necessary sums of money for answering the purposes by this act intended, it shall and may be lawful for the managers for the time being, and they are hereby authorized and required (after the appraisalment and valuation aforesaid shall be made and returned as aforesaid, and the estimate of probable expense shall be made and returned and certified to them as aforesaid,) to levy and assess the amount of money resolved to be raised for cleansing, opening and cutting the said Agricultural Canal, at the annual meeting, on the basis of the assessment last made and returned by the commissioners; and the same shall be levied by the said managers within the said month of May of each and every year after the election of said managers; that the said managers shall give ten days notice to the several taxables (or those in possession of the said low grounds where the owners do not reside in the county,) of the time when they will proceed with the work of cleansing, opening or cutting said canal; that said taxables and owners shall then have the right to contribute in work, under the direction of the managers, to the amount of tax levied on them; that if the said taxables, after being thus notified, shall neglect or refuse to perform the work or labor, then it shall be the duty of the treasurer, upon notice given him by the said managers, or either of them, to proceed, within twenty days thereafter, to collect the said taxes, and for that purpose he shall have the same powers and authority to collect as are given to a collector of a hundred for the collection of county taxes; and the said managers may employ other persons to do and perform such work, for which they shall give orders drawn by them on the treasurer; and that said managers and treasurer shall settle their accounts annually with the said taxables at their annual meeting, and may receive such compensation as the taxables in the preceding annual meeting may have allowed and fixed to be paid therefor.

SECTION 6. *And be it further enacted,* That if any person or persons shall obstruct or hinder the passage of the water through said Agricultural Canal, such person or persons shall become liable in damages to any taxable or owner damaged thereby, and to the said managers, for the use of the said company, the amount paid, or contracted to be paid, for the

OF DITCHES.

removal thereof, to be recovered in either case before any justice of the peace within Sussex county, in the same manner as debts of one hundred dollars are recoverable by law; and that it may be lawful for any taxable of said company, or the managers thereof, to enter upon any lands through which the said Agricultural Canal passes for the purpose of removing such obstructions, of whatever kind, that hinders the free passage of water through the same.

How
recovered.

May enter
upon other
lands.
Purpose.

SECTION 7. *And be it further enacted*, That all acts and parts of acts not consistent with this act are hereby repealed.

SECTION 8. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and the power of revocation is hereby reserved to the Legislature.

Passed at Dover, March 1, 1883.

CHAPTER 156.

OF DITCHES.

AN ACT to reincorporate the owners and possessors of the Marsh or Low Grounds, commonly called and known by the name of Cow Marsh Ditch, situated in North Murderkill and South Murderkill Hundreds in Kent County, under the title of "The Cow Marsh Ditch Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That the owners and possessors of a certain marsh or low ground, situated, lying and being in North Murderkill and South Murderkill hundreds in Kent county, State of Delaware, commonly called and known by the name of Cow Marsh Ditch, shall compose a company to be called "The Cow Marsh Ditch Company," and by that name shall sue and be sued, plead and be impleaded in all courts of law and equity in this State or elsewhere. Said company shall hold its annual meeting on the first Monday in April in each and every year, at the village of Willow Grove, or at such

Owners of
low ground
in North
and South
Murderkill
hundreds to
compose a
company.

Meetings.
When and
where held.

OF DITCHES.

Time and manner of choosing treasurer, secretary, four managers and two auditors. Powers.

Adjournment of annual meeting

Occasional meetings. When and where held.

Notices.

Filling of places and vacancies.

Evidence of appointment

other place as the company shall determine by a resolution to be adopted at any annual meeting of said company. The meeting shall be opened as near one o'clock in the afternoon of the day as practicable, and shall continue open at least two hours. At said annual meeting said company shall choose, by ballot and by a plurality of votes cast, one treasurer, one secretary, four managers, and two auditors, who shall hold their offices until the next annual meeting, or until their successors are duly chosen and qualified, and may do all such matters and things as the said company may deem requisite for effectually draining and reclaiming the said marsh or low ground; and such and every annual meeting of said company may be adjourned from time to time by a vote of those present, or by any member if, by any cause, there should not be more than one member present. The secretary shall give notice of all annual meetings by advertisements, posted in at least five of the most public places within the territorial limits of the company at least ten days before the day of meeting. Occasional or special meetings may be called at any time by the secretary upon the written request of the managers, or a majority of them, to said secretary, upon ten days public notice by advertisements put up in five of the most public places within the territorial limits of said company and such other places as the managers for the time being, or a majority of them, shall deem advisable. If the secretary, treasurer, managers, or auditors, shall not, any or all of them, have been elected at the annual meeting, they may be elected at any adjourned, occasional, or special meeting, and until their successors are duly chosen and qualified. If any person elected treasurer, secretary, manager, or auditor, at any meeting, shall, after the adjournment of the meeting at which he was elected, die, resign, or refuse to act, or shall fail or neglect to give bond, as hereinafter provided, the managers, by writing, signed by them, or a majority of them, shall appoint another person in his place, to serve until the next annual meeting of the company and until his successor shall be duly chosen and qualified; and such writing, appointing such officer, shall be delivered to the secretary of said company, to be recorded by him in the books of the company, and such record, as well as the original, shall be competent evidence of such appointment. If, in determining any matter, the managers shall by reason of vacancy or vacancies in the offices of such managers, or as is provided by this section shall be four or two in number, and they shall be equally divided, the secretary shall determine the matter,

OF DITCHES.

and sign such writing, choosing either the one or the other proposed by the managers; and such writing shall be delivered to the secretary, to be by him recorded in the books of the company, and such record, as well as the original, shall be competent evidence of such appointment. If any treasurer, secretary, manager, or auditor, shall remove from the limits of the company and dispose of his interest in said marsh or low ground, their places shall become vacant, and shall be filled in the same manner as is provided for filling vacancies hereinbefore in this section. Whensoever it may be deemed advisable to choose more than four managers, said company may do so at its annual meeting. At all meetings of said company every owner of any marsh or low ground ratable and assessed in said company may vote, if present; and any owner of any marsh or low ground not residing in Kent county may vote, either in person or by proxy; and any female owner of any marsh or low ground ratable and assessed in said company, no difference where she may reside, may vote, either in person or by proxy. Said proxies must be authorized in writing, under the hand and seal, attested at least by two witnesses. Every person owning any marsh or low ground ratable and assessed in said company shall be entitled to one vote for every one hundred dollars, or fractional part thereof, to which his or her property may stand assessed at the time he or she offers to vote.

Who entitled
to vote.

Proxy.

Non-resi-
dents in the
territory of
the company

Qualifica-
tion of voters

SECTION 2. That the ditches and drains as are now laid out, cut, made and adopted by "The Cow Marsh Ditch Company," shall compose the ditches and drains of the company hereby incorporated, and such other ditches as may be hereafter laid out, cut and made under the provisions of this act or any amendment thereto.

What
ditches al-
ready made
shall be em-
braced in the
company.

SECTION 3. That at any annual meeting of the company the voters present and by proxy may determine upon a new assessment or valuation by ballot, and a majority of the votes cast shall be necessary to authorize such new assessment or valuation; and any such new appraisement or valuation, when made, shall be the basis upon which any and every tax shall be levied and collected until another appraisement or valuation is determined upon by a vote of the company, as hereinbefore provided for in this section. But extensions may be made by laying out new ditches, and additional owners of any marsh or low ground may be added to the company, whose lands may be appraised and valued in the

New valua-
tion. How
determined
upon.

Supple-
mental ap-
praisement.

OF DITCHES.

same manner as the lands of persons now belonging to the company, which shall be classed as supplemental appraisement or valuation, and shall form a part of the basis upon which taxes shall be levied and collected the same as if it were an original appraisement or valuation, and shall continue until a new appraisement or valuation shall be determined upon by the company.

Amount of
tax. How
determined.

SECTION 4. That at any annual meeting of the company the voters present and by proxy shall determine, by ballot, what amount of tax, if any, shall be levied and collected the ensuing year for the purpose of cutting and making any new ditch, and for deepening and widening, or for straightening any old ditch, or for any other purpose, which the company may deem necessary for the draining and improvement of the said marsh and low grounds; and a majority of all the votes cast shall be necessary to authorize the levying and collecting of said tax.

New ap-
praisements.

SECTION 5. That at any meeting of said company the members thereof, by a majority of the votes present, may determine upon a new appraisement or assessment, and after they have determined upon such new appraisement or valuation they shall then, at the same meeting, elect, by ballot and by a plurality of the votes cast, three commissioners, who shall be freeholders of Kent county, and who shall, all alike, be either non-members or all three members of said company, to make such new appraisement or valuation. They shall

Alphabetical
lists of rata-
bles and
taxes.

make two alphabetical lists of the persons ratable and assessed in said company, setting forth the number of acres assessed, the value or rate of each acre, and the aggregate value of each person's assessment; and after they shall have completed said appraisement or valuation, they shall fix a day of appeal by giving at least ten days notice by at least five advertisements, signed by them, or a majority of them, setting forth in said notice the day, hour and place at which they will attend to hear appeals. Said notices shall be posted in at least five of the most public places within the territorial limits of said company. All appeals shall be in writing, signed by the party appealing, or his duly authorized agent, setting forth the matters of which he complains. They shall

Appeals.
Notice.

How posted.

Appeals.
How made.

Powers of
commis-
sioners.

hear and determine all appeals (and a majority shall form a quorum for this purpose), and may add to [said lists] any marsh or low ground that has been omitted; may increase, alter, or change any appraisement or valuation, and may deduct from the

OF DITCHES.

amount of appraisement or valuation, or may strike from said list any appraisement or valuation erroneously placed thereon, and their decision shall be final. The lists, when completed, shall be signed by them, or a majority of them, one copy of which shall be filed with the secretary, to be by him recorded in the books of the company, and the other shall be delivered to the Prothonotary in and for Kent county, State of Delaware, to be by said Prothonotary filed for safe keeping; and that any extension made by the laying out of any new ditch, and taking into said company any additional owners of any such marsh or low grounds, the company shall proceed in the same manner to make the additional appraisement or valuation and file the same as directed for an original appraisement or valuation as supplemental, and the same shall remain until a new appraisement or valuation is determined upon by the company; and a copy of any such appraisement or valuation, recorded in the books of the company, certified under the hand of the secretary, attested by at least two of the commissioners, shall be evidence in any court of law or equity and before any justice of the peace in this State.

Lists. When completed, where filed.

Additional appraisement.

Evidence.

SECTION 6. That if at any annual meeting the company shall determine that any sum shall be raised, levied and collected, the managers shall, under their hands, or the hands of a majority of them, issue a warrant to the treasurer, in duplicate, authorizing said treasurer to collect from the persons ratable and assessed their proportionate part of the amount so authorized to be raised, levied and collected; and the treasurer shall deliver to the secretary of the company the duplicate warrant, to be by him recorded in the books of the company; and upon the receipt of such duplicate the secretary shall make an alphabetical list of all persons ratable and assessed according to the appraisement or valuation, duly returned and recorded in the books of the company, setting forth the number of acres, the valuation per acre, and the gross amount with which each person stands assessed, and shall deliver the same within ten days after the receipt of said warrant to the treasurer; and upon the receipt of said warrant from the managers and the alphabetical list from the secretary, the treasurer shall, after the space of ten days from the receipt thereof, proceed to collect from the persons ratable and assessed their proportionate part or share of the amount authorized by the meeting to be raised, levied and collected; and shall have all the powers by the laws of this state given to collectors of county taxes, and may proceed in all respects

Managers authorized to levy and collect taxes.

Warrant in duplicate.

Assessments.

Duplicate warrant recorded in books of company. Duty of secretary. Alphabetical list of ratables and taxes.

When delivered, and to whom.

Taxes. When collectable.

OF DITCHES.

in the same manner as collectors of county taxes. The personal property of the tenants living on or occupying, or having in charge any lands ratable and assessed in said company, shall be liable for the taxes assessed and levied upon the lands of which he or she is tenant or occupant, and all costs incurred in collecting the same, and such tenant or occupant may deduct the sum or amount so paid by him or her, or collected out of his or her property by process of law from any rent, whether the rent be of money or share of the grain or other crops out of which the tenant or occupant pays rent, and any such payment or collection shall be in full discharge of the rent to the extent of the payment or amount collected. The treasurer shall not be required to look to any person living without the territorial limits of said company for the payment of any tax authorized to be collected under this act, but may, if he deems advisable so to do, collect from any owner of lands ratable and assessed in said company residing in Kent county. All taxes authorized to be levied and collected under this act shall be a lien upon the real estate of which the marsh or low grounds upon which the assessment is made and taxes levied form a part for five years from the day of the annual meeting which authorized and determined the raising, levying and collecting of said tax, and shall be in addition to the power to sell personal property of the owners, tenants or occupants hereinbefore provided for. The treasurer shall have the same power to sell the real estate as is now given to collectors of county taxes. All taxes which shall remain unpaid after the expiration of one year from the annual meeting at which the tax was authorized to be levied, the treasurer shall [add] at the rate of six per cent. per annum thereon until the same are paid, and shall account for said additional per cent. so collected the same as other taxes collected. The treasurer shall make a detailed statement from whom such per cent. has been received, and the amount of the same, and shall present such statement, with his accounts and vouchers, to the auditor, as hereinafter provided.

SECTION 7. The secretary shall keep correct proceedings of all meetings held by the company, which shall be signed by the chairman and attested by the secretary, and by the secretary recorded in the books of the company. He shall record all papers which by this act are required to be recorded in the books of the company. He shall have the custody of and keep safely the bonds of the treasurer and managers.

OF DITCHES.

hereinafter provided to be given by them to the company, and shall record the same in the books of the company. In case of loss or destruction of any original bond, the production of the book containing the record of such bond shall be evidence of the contents of such bond so lost or destroyed, and may be sued upon as if it were the original bond. The secretary shall receive for his services such compensation as shall be fixed by any meeting of the company. It shall be his duty to attend all meetings of the company, shall preserve all books and papers belonging to the company entrusted to his care and keeping, and when his term of office shall expire, or if, from any cause, he shall be removed from office, he shall deliver, within ten days thereafter, to his successor in office all books and papers in his charge belonging to the company. If the secretary shall neglect or refuse to perform the duties required of him under this act he shall forfeit the compensation allowed to him. If the managers, or a majority of them, shall at any time deem it for the best interest of the company, they may remove the secretary and appoint another in his place, to serve until the next annual meeting and until his successor shall be chosen.

Evidence.

Secretary's compensation.

Neglect to perform the duties of office. Forfeiture.

Removal.

SECTION 8. The managers shall have full power to employ the necessary help and to fix the compensation of the same (unless the compensation shall be fixed by a vote of the company), and shall go upon any lands adjacent to or along any ditch now cut or hereafter to be cut, and may deepen, widen, or straighten any ditch now cut or hereafter to be cut, and shall have the right and power to deepen, widen or straighten any ditch now cut or hereafter to be cut; may remove and fence temporarily, or put it permanently in another place, and to throw, haul, or place on any land adjacent to any ditch of said company any dirt, sand, earth, gravel, logs, or rubbish of any kind that may be necessary in the judgment of the managers of any section for the time being to be removed out of any ditches in deepening, widening and straightening the same, and may cut any tree, sapling, or bramble that, in his judgment, will be likely to fall into said ditch, or in any way to obstruct the same, and place anything so cut by him on any lands adjacent thereto. The managers shall, within thirty days after their election, meet at the place where the meeting at which they were elected was held, and divide the main ditches and prongs into four sections, and shall number them one, two, three and four, and shall designate the manager to take charge of each section; and the

Powers and rights of managers.

Meeting of managers. Object.

Division of ditches into sections.

OF DITCHES.

Statement. said managers shall apportion the amount of money to be expended on each section, and shall file, under their hands, or the hands of a majority of them, with the secretary, to be recorded by him in the books of the company, a statement of the divisions into sections, setting forth what parts of the main ditches and prongs compose each section, the amount apportioned to each section, and the name of the manager to take charge of each section.

Managers upon written application shall view the marsh or low ground. The managers, upon application in writing, signed by any three persons who will be benefited, asking the laying out of a new ditch or ditches, or the acceptance into the company of any ditch or ditches now already laid out and cut by private individuals, designating the locality where such ditch or ditches are wanted, or are already located, shall go upon and view the marsh or low ground designated in said application, and shall, if they think necessary, take with them

Laying out new ditches. a skillful surveyor (who shall be sworn or affirmed, before making a survey, to perform the duties required of him faithfully, impartially and with fidelity), and if, in the judgment

May employ surveyor. of the managers, or a majority of them, it is deemed necessary for the draining and improving such marsh or low ground that a new ditch or ditches shall be laid out, cut and made, or a ditch then already cut and laid out shall be accepted into the company, they shall proceed to lay out such ditch or ditches, or accept an old one or ones, as the case may be, and shall determine the place where such ditch or ditches shall empty into any ditch already cut, and the general courses, location and terminus of the same; and shall determine the width and depth, the amount to be expended in cutting and making the same; and shall determine by

New ditches authorized to be cut. whom the expense of cutting and making such ditch or ditches shall be borne and the amount each shall pay for cutting and making the same. The managers may accept any old ditch or ditches, without making any survey, if they, or a majority of them, so determine, into the company. The managers shall make an appraisement or valuation, for the basis of taxation, when the owners of such marsh or low ground shall be admitted into the company.

Expenses. How paid.

Managers to make appraisement for taxation.

Duplicate report. To whom delivered.

They shall make their report in duplicate, signed by them, or a majority of them, with a plot of the ditch or ditches so laid out by them attached, and shall deliver one to the secretary of the company, to be by him recorded in the books of the company, and shall deliver the other to the Prothonotary in and for Kent county, to be by said Prothonotary filed for

OF DITCHES.

safe keeping. The managers shall assess any damages that any person shall sustain by reason of the laying out, cutting and making any such ditch or ditches, and such damages shall form a part of the cost of such ditch or ditches, as well as any other expense incurred in and about the laying out, cutting and making the same. The assessment or apportionment made by the managers to and upon those who the said managers shall determine shall bear the expense of laying out, cutting and making any such ditch or ditches, shall be collected as other taxes authorized to be levied and collected by the company, and shall form a lien in the same manner as other taxes of the company, and shall be used only in laying out, cutting and making such ditch or ditches. When such ditch or ditches are laid out, cut and made, the owner of any such marsh or low grounds, ratable and assessed by reason of any such extension, shall form a part of the company upon the same terms and with the same advantages and privileges of any other owner or possessor of any marsh or low grounds in said company.

Damages.

Assessment
to be col-
lected as
other taxes.

Lien.

Owners of
new ditches
to form part
of company.

SECTION 9. The treasurer, before entering upon the duties of his office, shall give bond with surety, to be approved by the managers, or a majority of them, in a penal sum to be fixed by the managers, said bond to be in the following form, viz:

Treasurer's
bond.

Know all men by these presents, that we, ———, of Kent county, State of Delaware, are held and firmly bound to "The Cow Marsh Ditch Company" in the sum of ——— dollars, lawful money of the United States of America, to be paid to the said "The Cow Marsh Ditch Company," its certain attorney, successors, or assigns, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly and by these presents, sealed with our seals, and dated this ——— day of ——— in the year of our Lord one thousand eight hundred and ———. The conditions of the above obligation is such that if the above bound ———, being treasurer of "The Cow Marsh Ditch Company," shall faithfully and diligently collect all the rates and taxes which he shall, according to the alphabetical lists and warrants to be issued to him as such treasurer, be required to collect, and all taxes whatsoever which shall be committed to him for collection, and shall pay the amount of all such rates and taxes, excepting only so far as allowances shall be made to him by vote of a meeting of "The Cow Marsh Ditch Company" for errors, delinquents,

Form of
bond.

Conditions.

OF DITCHES.

commissions, or otherwise, to the officers or persons authorized to receive the same, in the manner and within the time prescribed by law or legally appointed for the payment of the same; and if the said _____ shall perform the duties of his office, as treasurer as aforesaid, in all things with fidelity, then the above obligation shall be void. And further, we do hereby jointly and severally authorize and empower any attorney or prothonotary of any court of record in the State of Delaware or elsewhere to appear for us, and each or either of us, at the suit of the said "The Cow Marsh Ditch Company," its successors or assigns, and thereupon to confess judgment for the above penalty to the said "The Cow Marsh Ditch Company," its successors or assigns, as of the last, next, or any other term or time after date thereof. And further, we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

_____, [L. S.]
 _____, [L. S.]

Signed, sealed and delivered in the presence of _____.

Treasurer to collect taxes. It shall be the duty of the treasurer to collect all taxes and moneys due the said company and pay out of the same to the managers of each section that part of the taxes or moneys which has been apportioned by the managers to each section within ten days after he has collected the same and take receipt thereof. He shall render his accounts and present his vouchers for settlement to the auditors at such time as shall be appointed by said auditors for the settlement and adjustment of his accounts. The managers, by a majority of them, may at any time demand of the treasurer a statement of his accounts, and his books shall at all times be open to them for inspection. If the treasurer shall neglect or refuse to collect the taxes or moneys due to the company, or shall neglect or refuse to perform any of the duties required of him as such treasurer under this act, the managers, or a majority of them, may remove such treasurer and appoint another in his place; and upon such removal and appointment, the treasurer so removed shall, within ten days thereafter, deliver to his successor all books, papers, lists, and other property in his possession belonging to the company, and pay over all moneys in his hands collected by him and not before that time paid over to the managers. Upon any treasurer going out of office at the expiration of the term for which he was elected or appointed, he shall, within ten days thereafter, deliver to his

To render accounts to auditors.

Books to be open to managers.

Removal and appointment of treasurer.

Duties at end of term.

OF DITCHES.

successor all books, papers, lists, and other property in his possession belonging to the company, and pay over all moneys in his hands collected by him. If any treasurer shall neglect or refuse to pay over any balance in his hands to his successor, it shall be the duty of the treasurer for the time being to ascertain the balance in the hands of his predecessor, and may proceed to collect the amount so ascertained to be due by execution process out of any property, real or personal, belonging to either principal or sureties. For any other violation of the conditions of said bond it shall be the duty of the treasurer for the time being to bring suit in a court of competent jurisdiction against either principal or sureties, or both, or all of them, to recover any damages sustained by the company. If any treasurer shall neglect or refuse, or fail to give bond for the space of thirty days after his election or appointment, the managers may appoint another person in his place. The compensation to the treasurer shall be fixed by a vote at a meeting of the company, but shall not exceed eight per cent. upon the amount collected by him.

Failure.

Treasurer to collect by execution process.

Failure to give bond.

Compensation.

SECTION 10. The managers, each of them, shall, before entering upon the duties of their office, give bond to the company, with surety to be approved by the treasurer, in the penal sum of at least double the amount apportioned to his section, the amount to be fixed by the treasurer, which said bond shall be in the following form, viz:

Managers to give bond.

Know all men by these presents, that we, ———, of Kent county, State of Delaware, are held and firmly bound to "The Cow Marsh Ditch Company" in the sum of ———, lawful money of the United States of America, to be paid to the said "The Cow Marsh Ditch Company," or its certain attorney, successors, or assigns, to which payment, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated this ——— day of ———, in the year of our Lord one thousand eight hundred and ———. The condition of the above obligation is such that if the above bound ———, being a manager of "The Cow Marsh Ditch Company," shall faithfully disburse and pay out all moneys that shall come into his hands, and shall, when he goes out of office as such manager, pay over to the treasurer of the company all moneys in his hands as such manager; and if the said ——— shall perform the duties of his office, as manager as aforesaid, in all things with fidelity, then the

Form.

Conditions.

OF DITCHES.

above obligation shall be void. And further, we do hereby jointly and severally authorize and empower any attorney or prothonotary of any court of record in the State of Delaware or elsewhere to appear for us, and each or either of us, at the suit of the said "The Cow Marsh Ditch Company," its successors, or assigns, and thereupon to confess judgment for the above penalty to the said "The Cow Marsh Ditch Company," its successors, or assigns, as of the last, next, or any other term or time after date thereof. And further, we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

_____, [L. S.]
_____, [L. S.]

Signed, sealed and delivered in the presence of ____.

Duties of
managers in
relation to
cutting
ditches, etc.

To give and
take receipts

Exhibit his
books to
managers.

Removal of
managers.
When.

To have a
copy of
books and
papers.

It shall be the duty of each manager to employ the necessary help for the cutting and making any new ditch, and for deepening, widening, straightening and improving any ditch already cut within the section for which he was designated, and to receive from the treasurer any money apportioned to such section and to disburse the same for any work, labor, material, or necessary expense incurred by him upon this section. He shall give to the treasurer receipts for all moneys paid to him, and shall take receipts for all moneys disbursed by him. He shall keep a book in which he shall enter the amount received and the amount disbursed, and the names of the parties to whom disbursed, and shall present his accounts and vouchers for settlement before the auditors as hereinafter provided. He shall at all times, when requested by the other managers, or a majority of them, exhibit his books, showing the amount received and disbursed by him. If at any time any manager shall neglect or refuse to perform the duties required of him under this act, the other managers may remove any such manager and appoint another in his place; and the manager so removed shall pay over to the treasurer all moneys in his hands, and shall deliver to his successor in office, within ten days after his successor shall have been appointed, all books, papers, and other property belonging to the company in his possession, but he shall be entitled to a copy of any such books, papers, or account so delivered in which he is personally interested; which copy shall be compared by his successor, and shall be certified under his hand that the said copy is true and correct. The expense of said copy to be borne by the manager removed. The compensation of the

OF DITCHES.

managers shall be fixed by a vote at a meeting of the company, and shall be per diem. The company may, at any meeting, by a vote determine the lowest number of laborers which each manager is expected to employ on any day, and if any manager shall work a less number of laborers on any day than the number fixed by the meeting, he shall not receive full pay, but it shall be reduced in proportion to the number worked by him; but nothing herein shall be construed to prevent any manager from working a greater number than the number fixed by the meeting.

Compensation.

Number of laborers.

SECTION 11. It shall be the duty of the auditors to audit the accounts of the treasurer and managers of the company. They shall carefully examine the accounts of the treasurer, and shall report to the annual meeting of the company the amount of tax levied, the number of cents on the hundred dollars necessary to raise the tax, the amount collected by him, and the amount remaining uncollected, and also the interest collected upon all the taxes remaining unpaid after the expiration of one year from the annual meeting at which the tax was directed to be levied, and all errors, if there be any, and any other matter or thing in connection with the accounts of the treasurer which in their judgment is for the interest of the company. They shall audit the accounts of the managers, and shall carefully examine the books and vouchers of each manager, and shall endorse on each voucher approved by them the day of the month and year with the word "allowed," and if any voucher shall not be approved by them they shall endorse thereon the day of the month and year and the word "disallowed," which said endorsement shall be signed by the said auditors. They shall report to the annual meeting of the company the amount received by each manager, the amount paid out by each, the balance remaining in the hands of each, the amount disallowed, if any, and for what cause, and any other matter or thing in connection with the accounts of the managers which in their judgment is for the interest of the company. The said report shall be in writing and signed by said auditors. The meeting may adopt said report or not, at their pleasure, and may direct a new audit to be made. Any voucher disallowed by said auditors may be allowed by a vote of the meeting of the company. If the report should be adopted by the meeting, it shall be delivered to the secretary, by him to be recorded in the books of the company. It shall be the duty of the treasurer and managers to notify said auditors, not less than fifteen

Duty of auditors.

To audit accounts and examine books of managers.

Endorsement of vouchers.

Report of auditors.

Meeting to adopt or reject reports.

Duty of managers and treasurer to notify auditors.

OF DITCHES.

Time of auditing. nor more than thirty days before the annual meeting, that they are ready to have their accounts audited; that upon such notice said auditors shall fix the time and place they will meet the treasurer and managers to audit their accounts. The time fixed by them shall be not less than five days before the day of the annual meeting. Compensation of auditors. The compensation to said auditors shall be fixed by a vote at a meeting of the company, but shall not exceed the sum of two dollars each per day for the time employed by them in the examination and auditing of the said accounts and the preparation of their report.

Treasurer to collect taxes. SECTION 12. That any treasurer taking any duplicate or tax list for collection shall collect the entire list, errors and delinquencies excepted, and pay over the same to the managers, or to his successor in office, and until he has so collected, paid over and closed his accounts, he and his sureties shall not be absolved from liability to the company unless by a vote of the company. The uncollected list of taxes shall be directed to be delivered to his successor in office, in which case his successor shall be charged with the uncollected taxes so turned over; then to the extent of the said uncollected tax list so turned over, and no more, shall the said treasurer and his sureties be absolved from liability to said company. Uncollected list to be delivered to successor. Nothing herein contained shall apply to any treasurer removed by the managers, nor in case of death of any treasurer whose place has been filled by the managers. Not to apply to treasurer's removal from office.

Obstruction of ditches. SECTION 13. That if any person shall cut any tree, sapling, or bramble so that the same shall fall into any ditch belonging to said company and shall permit the same to remain in said ditch for the space of ten days, he shall pay to the company the sum of ten dollars; and if any person shall willfully fill up or obstruct the ditches or drains of said company, or shall willfully obstruct or impede the course of the water from running down the same, every person so obstructing said ditches or impeding the course of the water thereof, shall pay to the company the sum of fifty dollars, to be recovered before any justice of the peace of Kent county by a suit brought in the name of the company. It shall be the duty of the managers of any section where any obstruction mentioned in this section is found to report to the treasurer, in writing, by whom such obstruction was made, and it shall be the duty of the treasurer to bring suit against the person or persons so obstructing, and upon the recovery of judgment to proceed to collect the same by execution process, unless Penalty. Suit. Where instituted, and by whom.

OF DITCHES.

said judgment and costs are paid within thirty days after the rendition of the same.

SECTION 14. No person shall be allowed to drive any permanent stake at any fence, bridge or road in the ditches of said company; and if any person shall drive any such stake at any fence, bridge or road in said ditches it shall be considered an obstruction, and he shall pay to the company the same amount as is prescribed in Section 13, and the proceeding for the recovery of the same shall be in the same manner as directed in said Section 13.

No stakes to be driven in ditches.

Penalty. How enforced.

SECTION 15. All suits brought by the company shall be brought in the name of "The Cow Marsh Ditch Company," and shall be brought by the treasurer in all cases except the cases where the treasurer is a party defendant, in which case the suit shall be brought by the secretary. On any bond or obligation now due or owing to "The Cow Marsh Ditch Company" suit shall be brought in the name and style in which such bond or obligation is taken.

Suits to be brought. How.

SECTION 16. This company shall not be required to construct or repair any bridge over any of its ditches, nor any road leading thereto, either public or private; and any bridge erected across any of the company's ditches, either of a public or private character, shall be built in such a manner, and of such a width and height as to not obstruct the water flowing through the ditches of said company.

Company not required to construct bridges.

SECTION 17. The treasurer, managers and auditors, before entering upon the duties of their office respectively, shall be sworn or affirmed before the secretary, (who for this purpose is authorized to administer oaths,) to perform the duties of their office respectively, faithfully and according to the best of their judgment.

Officers sworn or affirmed.

SECTION 18. That all taxes due and uncollected, and all moneys due and owing to "The Cow Marsh Ditch Company" shall belong and be paid to the company incorporated by this act, and the proper officers of this company may bring suit in the name of this company for all debts due "The Cow Marsh Ditch Company," (except in case of bonds and obligations provided for in Section 15,) and that all laws now in force for the levying and collecting of any tax heretofore assessed and levied and yet uncollected shall remain in full force for the purpose of collecting any such uncollected taxes

Taxes due old company to be due the new company.

OF DITCHES.

and the payment over of the same, with the same powers heretofore contained in any act pertaining to the collection of taxes, and that any bond or obligation heretofore given by any treasurer, officer or other person to said "The Cow Marsh Ditch Company," shall remain in full force and effect until all matters to which they pertain shall have been settled and closed. The company, by a vote at any annual meeting by a majority of all the votes cast, may declare the condition of any bond or obligation now held by "The Cow Marsh Ditch Company," or any bond or obligation hereafter to be given to "The Cow Marsh Ditch Company" fully performed and completed, and may direct the cancellation of any such bond or obligation, and the delivery of the same to the obligor or obligors, their heirs, executors or administrators. All debts due and owing by "The Cow Marsh Ditch Company" shall be and remain the debts of this company, and shall be paid out of any funds belonging to this company.

Meeting of
the company
to cancel
completed
bonds.

Transfer of
debts.

Bonds
recorded.
Record
thereof evi-
dence.

Execution to
be issued
against de-
faulters.

SECTION 19. In all cases where bonds are required to be given under this act, the bond so given shall be recorded in the books of the company, and any bond so recorded shall be evidence in case of the loss or destruction of the original, and may be sued upon in the same manner as the original bond. In case of any defalcation on any of said bonds for any money so defaulted, the officer whose duty is hereinafter made to bring suit on any of said bonds shall ascertain the cash balance due, and shall issue execution against the person so defaulting and his sureties or any or either of them, and shall collect the same out of any property they may have. For any other violation of the conditions of said bonds, it shall be the duty of the proper officer to bring suit in any court of competent jurisdiction in this State or elsewhere, and any judgment recorded shall be collected as like judgments in other cases, but nothing herein contained shall prevent the bringing suit on any of said bonds for the money defalcation and any other violation of the condition of said bonds at the same time.

SECTION 20. And all acts or parts of acts heretofore passed in relation to "The Cow Marsh Ditch Company," except the reservation made in Section 18 of this act, are hereby repealed and made null and void.

Penalty in
case of an
overcharge
of managers

SECTION 21. That if any manager shall willfully and fraudulently take a receipt for or charge in his accounts a greater amount than he shall pay to any person for work and

OF DITCHES.

labor, or for material furnished, he shall pay to the company the sum of fifty dollars for every such receipt or charge, to be recovered as debts of like amount are recovered before a justice of the peace of Kent county, and it shall be the duty of the treasurer to bring such suit.

SECTION 22. This act shall be deemed and taken to be a public act, and shall be published in the laws of the State as such.

Passed at Dover, March 8, 1883.

CHAPTER 157.

OF DITCHES.

AN ACT to amend an act incorporating the "Black Swamp Ditch Company," passed at Dover, February 10th, 1841, re-enacted and amended March 13, 1877.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That the act entitled "An act to incorporate the 'Black Swamp Ditch Company,'" passed at Dover, February 10th, 1841, re-enacted and amended March 13, 1877, be and the same is hereby amended as follows, to wit: Amend Section 1 by adding thereto, at the close of said section and after the word "seal," the following: "And every person so assessed shall be entitled to one vote for every one hundred dollars, or fractional part thereof, for which he shall stand assessed."

Chapter 305,
Volume 9,
Chapter 357,
Volume 15.

Passed at Dover, February 28, 1883.

OF DITCHES.

CHAPTER 158.

OF DITCHES.

A Further Supplement to the act entitled An act to incorporate the Gravelly Run Marsh Company, passed at Dover, February 5, 1866, and amended and re-enacted by the act entitled An act to amend and re-enact the act entitled An act to incorporate the Gravelly Run Marsh Company, passed at Dover, February 5, 1866, passed at Dover, January 24, 1867.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Commissioners.

Duties.

Appraisement.

Requisites in appraisement.

SECTION 1. That the Gravelly Run Marsh Company shall, at its next annual meeting, to be held on the second Saturday of May, in the present year, elect by ballot and by plurality of votes, three freeholders, residents of Kent county, not being members of said company, to act as commissioners, whose duty it shall be to go upon and view the marsh and low grounds which are or will be benefited by the ditches of said company already cut or opened, and ascertain all the owners thereof and who will be benefited by such ditches or any of them, and the quantity held by each owner or by joint owners (if any be held undivided), and shall appraise the said marsh and low grounds which in their opinion, or a majority of them, are or will be benefited by said ditch or ditches, having regard to the present value thereof and the amount of benefit, in their opinion, to be received by each owner or by joint owners (if any be held undivided), in such manner as will, in their opinion, do equal justice to all concerned, which said appraisement shall be the valuation upon which all sums of money to be raised and taxes to be assessed and levied by said company or for the improvement of said marsh and low lands shall be raised, assessed and levied, until a new appraisement shall be made as hereinafter directed. In making such appraisement it shall be the duty of the said commissioners to appraise all the marsh and low grounds which, in their opinion, are or will be benefited by the ditches or drains of said company, whether included in any previous valuation and appraisement or not, and whether such marsh and low grounds are or are not liable to appraisement and taxation in any other company, and the fact that any of said marsh and low grounds are subject to appraise-

OF DITCHES.

ment and taxation in any other company shall not exempt them from appraisement and taxation in the said the Gravelly Run Marsh Company, *provided* that in the opinion of said commissioners they are or will be benefited by any of the ditches or drains of the said the Gravelly Run Marsh Company, now cut or opened or hereafter to be cut and opened; and the said commissioners are hereby required and directed to view and examine the ditch or ditches of said company now cut or opened, and if, in their opinion, the same or any of them, or any part of any of them, ought to be extended, widened or deepened, or in any other respect altered or changed, or the course of any of them altered or changed, to direct such extension, widening or deepening or other alteration or change whatsoever in such manner and to such extent as they may deem requisite for the more perfect draining of said marsh and low grounds, and they shall also estimate the cost thereof; and further, if the said commissioners shall deem it necessary, in order to effect equal justice between or among all the owners and possessors of said marsh and low grounds, that any new lateral ditch or ditches emptying into the company's main ditch should be cut and opened at the common expense of the company, they are hereby authorized to lay out such lateral ditch or ditches, and direct the same to be cut and opened of such width and depth as shall, in their judgment, be necessary, and from such place of beginning to such termination on the main ditch as they may determine on, and they shall also estimate the cost of cutting and opening such lateral ditch or ditches, and the said new or lateral ditch or ditches so laid out and directed to be cut and opened (if any) shall be cut, opened and completed at the common expense of the company, and shall become and be a part of the improvements of the said the Gravelly Run Marsh Company, and as such shall be kept open and in repair, and the said commissioners, or a majority of them, shall make two certificates under their hands, or the hands of a majority of them, containing the names of the respective owners of the said marsh and low grounds, and the quantity held by each owner and by joint owners (if any be held undivided), and after the appraisement of the said several quantities or parcels, so by the said commissioners to be made as aforesaid, containing also a description of all the ditches which they shall direct to be extended, widened or deepened or otherwise altered or changed, or the course of any of them altered or changed, and also of any lateral ditch or ditches, (if any,) by them directed to be cut and opened,

Proviso.

Extensions.

Estimate of costs.

Cutting of lateral ditches.

Cost.

Paid by company.

Certificates.

Contents.

OF DITCHES.

showing the extent and character of such extension, widening or deepening or other alterations or changes which they shall direct to be made; and if the said commissioners shall be of opinion that the owner or owners of any land lying upon or adjacent to the said ditches or any of them, will sustain damage by the alteration or change or opening of such ditches or any of them, or by the alteration or changing of the course of any of them, more than equivalent to the benefit received by such owner or owners, they shall make a valuation of such excess or damage and enter such valuation with the name of the persons or persons to whom they shall award damage, and the amount thereof, upon the said certificate, which damages, if any be awarded, shall be paid by the company before the alteration or change or opening of said ditches, or the alteration or change of the course of any of them; and further, the said commissioners shall also estimate and set forth in their said certificates the probable costs of making the improvements they shall direct to be made, and the work they shall direct to be done in the premises, and also their fees and the expenses by them incurred in the performance of the duties enjoined upon them by this act, and the said commissioners shall return one of said certificates into the office of the Prothonotary in and for Kent county, to be by him filed and kept in said office, and shall deliver the other of said certificates to the secretary of said company, to be by him kept with the other papers of said company, which said certificates shall be final and conclusive, and the appraisement and valuation therein contained shall be the true valuation of said marsh and low grounds, according to which all sums of money raised by said company shall be apportioned until a new appraisement shall be made, as hereinafter directed. Each of said commissioners, before entering upon the duties enjoined by this act, shall be sworn or affirmed to perform the duties required of them by this act faithfully and impartially, according to the best of his skill and judgment, which oath or affirmation may be administered to said commissioners by any judge, justice of the peace or notary public of this State, or either of said commissioners may administer the oath or affirmation to the other or others. All the commissioners shall view the said marsh and low grounds, but the acts of any two of them agreeing shall be as valid to all intents and purposes as the acts of the whole of them. If any of the said commissioners to be elected as aforesaid shall die, resign, remove from Kent county, or refuse, neglect, or become incompetent to act before all the

Damages to adjacent owners.

Paid by company.

Duty of commissioners as to costs.

Certificates. Where kept.

Valuation to continue till new appraisement.

Commissioners sworn.

Oath. By whom administered.

Vacancies. How filled.

OF DITCHES.

duties of said commissioners shall have been completed, or if the said company shall fail to elect such commissioners at its next annual meeting, the said company may elect a commissioner or commissioners to fill such vacancy or vacancies, or to supply such omission or failure to elect at any annual, adjourned or occasional meeting, and so from time to time until all the duties of said commissioners under this act shall have been completed. The fees to each of said commissioners shall be two dollars for each and every day by them occupied in the discharge of the duties enjoined upon them by this act, together with additional, fair and reasonable compensation for making the said two certificates.

Fees of commissioners.

SECTION 2. That for the purpose of raising the necessary means to carry into effect the improvements directed to be made by the said commissioners and to pay the expense incurred under this act, including expense of procuring the same, and also to pay any just and lawful debts then owing by said company, the managers of the said company, or of a majority of them, are hereby required and directed, as soon as conveniently can be done after the appraisement and valuation aforesaid, and after the return of the said certificates to the prothonotary and secretary of the said company as aforesaid, to lay and assess upon the value of the said marsh and low grounds mentioned and appraised in the said certificates returned to the prothonotary and secretary of said company as aforesaid, a certain rate upon each and every dollar of said appraisement and valuation so made and returned as aforesaid, so as to raise the sum of money estimated by said commissioners as the probable cost of making the improvements by them directed to be made, and also such further and additional sum of money as will be necessary to defray all the expenses incurred under this act, including the cost of procuring the same, and to pay any other just and lawful debts then owing by said company. If it shall hereafter be ascertained that the sum of money estimated by the said commissioners as the probable cost of making the improvements by them directed to be made be not sufficient to complete said improvements, the said company may, at any annual meeting thereafter to be held, by a plurality of votes determine, by resolution, what additional sum or sums of money ought to be raised, by way of tax as aforesaid, for the purpose of completing the said improvements directed to be made by said commissioners; and the said company shall have the power at any annual meeting to determine by

Managers may levy taxes.

Additional levies of taxes.

OF DITCHES.

a plurality of votes, by resolution, what sum or sums of money ought to be raised, by way of tax as aforesaid, for the purpose of keeping all the ditches and drains of said company in good and sufficient repair, which said sums of money, either for completing the said improvements or for keeping all the ditches and drains of said company in good and sufficient repair, shall be levied and assessed by the managers for the time being of said company, or a majority of them, according to the provisions hereinbefore in that behalf contained; and the said managers, or a majority of them, shall, from time to time, make out duplicate list, under their hands, of all the assessments and taxes by them made and levied as aforesaid, which list shall contain a minute of all changes of ownership and transfer of any of the said marsh and low ground, and one of the said lists shall be delivered to the treasurer of said company for the time being, and the other of said lists shall be delivered to the secretary of said company; and such assessments and lists shall be final and conclusive upon all the parties, and the said lists so delivered to the treasurer shall be a sufficient warrant for him or his successor in office for levying and collecting all and every the sums of money and taxes in said lists mentioned, and all the provisions of the act to which this is a supplement in relation to the receipt, payment and collection of the taxes therein directed to be assessed and levied are hereby declared to apply and be in full force in relation to the receipt, payment and collection of all and every the taxes by this act contemplated to be assessed and levied.

Duplicate
lists of
assessments.
What to
contain.

To whom
delivered.

Conclusive.
Warrant to
treasurer to
collect taxes.

Duties of
managers.

It shall be the duty of the managers of said company for the time being, so far as they may have funds of the company sufficient therefor, to carry out, make and complete all and every the directions and improvements which shall be ordered by the said commissioners to be made under the provisions of Section 1 of this act; and it shall also be the duty of said managers at all times, when there may be funds of the company sufficient for that purpose, to keep scoured and cleansed and in good order and condition all the ditches and drains of the said company, and generally the said managers shall do and perform all and every act and duty required of them by the act to which this is a supplement.

New ap-
praisement.

SECTION 3. That it shall be lawful for the said Gravelly Run Marsh Company, at the annual meeting to be held on the second Saturday of May in the year 1888, and at any

OF DITCHES.

annual meeting of said company to be held at the expiration of each and every five years thereafter, to determine, by ballot and by plurality of votes, whether a new appraisement and valuation ought to be made of the marsh and low grounds of said company; and if, at the annual meeting to be held on the second Saturday of May in the year 1888, or at any annual meeting of said company to be held at the expiration of each and every five years thereafter, it shall be determined that a new appraisement and valuation of the marsh and low grounds of said company ought to be made, it shall then be the duty of said company, immediately upon such determination, to elect, by ballot and by plurality of votes, three freeholders, residents of Kent county, and not members of said company, to act as commissioners, whose duty it shall be to make a new appraisement and valuation of the marsh and low grounds of said company, as provided in Section 1 of this act, and also to make and return two certificates, as provided in Section 1 of this act, and generally to do all and perform all and singular every act, matter and thing required to be performed by the commissioners to be elected under the provisions of Section 1 of this act; and the said commissioners shall have all the powers and be subject to the same restrictions and limitations as the commissioners to be elected under the provisions of Section 1, and shall be sworn or affirmed, as therein provided, among said commissioners, or in the case of the refusal or neglect of any of them to act the vacancy or vacancies may be filled, or another or other commissioners may be elected in the place of those refusing to serve in the same manner as is provided in that behalf in Section 1 of this act in relation to the commissioners therein contemplated to be elected, and the said appraisement and valuation of the said marshes and low grounds so as last aforesaid to be made shall be the rate of assessment for all taxes to be levied and raised by said company and binding and conclusive upon all parties until a new appraisement and valuation shall be made as herein provided.

When made.

Commissioners.
How chosen
Duties.

Powers.

Sworn.

Vacancies.
How filled.Continuance
of valuation.

It shall be lawful for the said company, if by it deemed advisable to do so, to have a new appraisement and valuation of the marsh and low grounds of said company, as hereinbefore provided, at the expiration of each and every period of five years, reckoning from the second Saturday in May in the present year of 1883, but no new appraisement and valuation shall be made oftener than once in five years, and only then when deemed advisable so to do by a vote of said company

When new
appraise-
ment may
be made.Once in five
years.

OF DITCHES.

at an annual meeting; and in any such other new appraisal and valuation the commissioners shall not be confined to the same marshes and low grounds only which shall have been included in any previous appraisal and valuation, but may include any other marshes and low grounds which they may be of opinion are or will be benefited or improved by any ditch or ditches which shall have been or may be opened, and the fact that any of the said marsh and low grounds are subject to appraisal and taxation in any other company shall not exempt them from appraisal and taxation in the said The Gravelly Run Marsh Company; *provided* that in the opinion of said commissioners they are or will be benefited by any of the ditches or drains of the said The Gravelly Run Marsh Company now cut or open or hereafter to be cut or opened.

New appraisal
may embrace other
marshes, etc

Proviso.

SECTION 4. That if any new or other appraisal and valuation of said marsh and low grounds shall be made at the expiration of five years from the second Saturday of May in the year 1883, or at any other period of five years thereafter, as provided by the next preceding section of this act, it shall be the duty of the managers of the said company for the time being, as soon as conveniently can be done after such new or other appraisal and valuation shall be made, and after the certificates shall be returned as aforesaid, to lay out and assess upon the value of said marsh and low grounds mentioned and appraised in the certificates then last made and returned a certain rate upon each and every dollar of the appraisal and valuation then last made and returned as aforesaid, so as to raise a sum of money sufficient to defray the expenses of the then last appraisal and valuation, with such additional sum as may be necessary to carry into effect and complete all the improvements which may be directed by the said commissioners in their certificates then last made and returned as aforesaid, and also such other and further sum as the said company may at any annual meeting determine ought to be raised for the purpose of keeping the ditches and drains of the said company in good order and condition; and the said managers, or a majority of them, for the time being shall, from time to time, make out duplicate lists, under their hands, of all the assessments and taxes by them to be made and levied as last aforesaid, which lists shall contain a minute of all changes of ownerships and transfer of any of the said marsh and low grounds; and one of said lists shall be delivered to the treasurer of said company for

Managers to
levy taxes.
When.

Duplicate
lists.
Contents.

To whom
delivered.

OF DITCHES.

the time being, and the other of said lists shall be delivered to the secretary of said company, and such assessment and lists shall be final and conclusive upon all the parties; and the said lists so delivered to the treasurer shall be a sufficient warrant for him, or his successor in office, for levying and collecting all and every the sums of money and taxes in said lists mentioned, and all the powers conferred by the act to which this is a supplement, for the collection of taxes therein contemplated, shall apply to the collection of the taxes provided for in this act; *provided* that no tax shall be assessed, levied and collected under this act, or the act to which it is a supplement, from the owner and possessor of lands which are assessed under the act incorporating "The Jamison and Wright's Marsh Ditch Companies" solely, except for the one-half part of the expense and cost for maintaining and keeping in good repair that part of "The Gravelly Run Marsh Company's" main ditch which lies between the junction of the ditches of said companies and the Maryland line.

Sufficient
warrant for
collection of
taxes.

Powers.

Proviso.

Exemption
from taxes.

Exception.

SECTION 5. That at all elections of said company to be hereafter held, no person shall have a right to vote unless he or she shall, at the time he or she may offer to vote, have paid all the taxes which may have been assessed against him or her by said company.

Who may
vote.

SECTION 6. That all the provisions of the act to which this is a supplement, except such as are hereby supplied or are inconsistent herewith, are hereby declared to be and continue in full force and effect.

Passed at Dover, April 3, 1883.

OF DITCHES.

CHAPTER 159.

OF DITCHES.

AN ACT to incorporate the Kirk Branch Ditch Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring,)*

Owners of
certain low
grounds in
Mispillion
hundred in-
corporated.

That the owners of the swamps and low grounds situated in Mispillion hundred, Kent county and State of Delaware; contiguous to or draining into the branch known as Kirk's Branch or any of its tributaries, and whose names shall be included in any certificate to be made by commissioners as hereinafter provided, and such persons as may hereafter become owners, shall compose a company to be called "The Kirk's Branch Ditch Company." The first meeting of said company shall be held upon a day to be appointed by the commissioners herein first named, at the school house in School District No. 34, in said hundred, and their annual meetings shall be held on the last Saturday in May following, at two o'clock P. M., and on the last Saturday in May in every year thereafter, at the same hour and place, or at such other hour and place as such company shall determine by a resolution to be adopted at any annual meeting. At the first meeting of the company held in pursuance of the call of the commissioners, said company shall choose by ballot and a plurality of the votes cast, a treasurer, a secretary and three managers, all of whom shall be members of the company.

Name.
First meet-
ing.
When and
where held.

Election of
officers.

Occasional
meetings.

Notice.

Term of
office.

Vacancies.
How filled.

Occasional meetings may be called by the managers, or a majority of them, at such times and places as they may designate, by giving ten days notice by advertisements posted at five of the most public places of the neighborhood. The officers chosen at the first meeting shall hold until the next annual meeting and until successors shall be chosen, and at every annual meeting it shall be the duty of the company to choose officers as aforesaid, but in case of failure to do so the officers then in office shall continue until others are chosen. If any officer shall remove from the neighborhood, or shall dispose of his interest in said low grounds, or in any way cease to be a taxable, his place shall be vacated, and any vacancy, whether by death, resignation or otherwise, occurring in the interim between the annual meetings, may be filled at an occasional meeting of the company. Every owner

OF DITCHES.

ratable and assessed shall be entitled to one vote for every ten dollars or fractional part thereof for which he shall stand assessed, and such vote may be given in person or by proxy, constituted under hand and seal.

SECTION 2. *And be it further enacted,* That Zebulon Hopkins, Robert H. Smith and John Cahall, be and they are hereby appointed commissioners to make valuation of so much of said swamps and low grounds as in their judgment ought to be drained, and view, examine, ascertain and determine the width, depth and location of all such ditches or drains necessary and sufficient to drain said swamps and low grounds so far as they may judge, under all circumstances, that the same should now be drained, the quantity held by each owner or owners of such swamps or low grounds so to be drained, and to appraise and determine the benefit and advantage which each owner will derive by reason of the cutting or making of such ditches or drains; and the said commissioners, or a majority of them, shall make two certificates under their hands containing the names of the respective owners of said swamps or low grounds, the quantity held by each owner as aforesaid, and the appraisement of the benefits, profits and advantages to be derived by each owner or owners, and shall deliver one of said certificates to the secretary of the company, and shall return the other to the office of the Recorder of Deeds in and for Kent county, to be there recorded, which certificates shall be final and conclusive upon all parties, and shall be and remain the appraisement and valuation upon which all taxes which may be necessary to effect the purposes of this act shall be assessed, levied and raised, and a copy of the record thereof, certified by the Recorder under his hand and seal of office, shall be evidence in any court of this State. Each commissioner, before he enters upon the duties required of him by this act, shall be sworn or affirmed before some one by the laws of this State authorized to administer oaths, faithfully to perform the duties assigned to him by this act, according to the best of his skill and judgment. If either of the said commissioners shall die, resign, refuse, or be unable to act before the duties assigned to them by this act are fully performed, the Associate Judge of the Superior Court residing in Kent county shall, upon the application of any two persons having swamp or low grounds affected hereby, fill any such vacancy, and so as often as may be necessary until all the duties of the commissioners under this act may be completed, and any

Who entitled
to vote.

Proxy.

Commis-
sioners.

Duties.

Certificates.
Contents.

Where filed.

Final.

When
evidence.Commis-
sioners
sworn.Vacancies.
How filled.

OF DITCHES.

Powers. commissioner so appointed shall have all the powers and be charged with the performance of the same duties, so far as they are then incomplete, as if he had been originally named as one of the commissioners. When and as soon as the commissioners shall have made the certificates, as above provided, they, or a majority of them, shall call a meeting of the company at some time by them named in the said call, suitable and convenient, at the school house in School District No. 34 aforesaid, of which ten days notice shall be given by advertisements posted at five of the most public places of the neighborhood, and in said call and notices shall state the names of the owners contained in said certificate, and also the purpose of the meeting to elect officers as hereinbefore specified, and a majority at least of said commissioners shall be present at the opening of said meeting with the certificate directed to be delivered to the secretary.

Meeting. Notice.

Commis- sioners may employ help to cut ditches, etc. SECTION 3. *And be it further enacted,* That the said Zebulon Hopkins, Robert H. Smith and John Cahall, commissioners herein named, or such other person or persons as may be appointed to fill any vacancy, shall cut and open all such ditches, drains, prongs and outlets as the said commissioners shall judge proper and sufficient to drain said swamps and low grounds as aforesaid, and for this purpose shall have power to employ such overseers and workmen as they may deem necessary to complete the work, and shall pay the expenses attending the same. An exact account shall be kept by the said commissioners of their doings and expenditures, showing, among other things, the amount of labor and services performed by each employee and the money paid to him, all articles furnished and by whom, and the money paid therefor, and the number of days which the said commissioners, and each of them, were personally engaged in the discharge of their duties respectively; which account shall be delivered to the treasurer of the company and shall be recorded in the book of the said treasurer and kept by him as one of the papers of the company.

Expenses. Detailed account.

To be recorded by Treasurer.

SECTION 4. *And be it further enacted,* That for the purpose of raising the money necessary to cut and open the said ditches, drains, prongs and outlets, the said commissioners, whether those herein named, or that may be appointed as hereinbefore provided, shall, as soon as the appraisement and valuation aforesaid shall be completed and the certificates thereof have been made and delivered to the recorder and secretary

OF DITCHES.

as aforesaid, lay and assess upon the value of the swamps and low grounds benefited by said ditches or drains, prongs and outlets mentioned in said certificates, and according to and upon the value of the benefits and advantages accruing to the respective quantities or parcels of the swamp and low grounds held by the several owners thereof, a certain rate upon each and every dollar of said value, so as to raise a sum of money sufficient to cut and open all the said ditches, drains, prongs and outlets; and in case the first levy and assessment shall not be sufficient, then, from time to time, and as often as may be necessary, to make such other and further levies and assessments as may be needful and sufficient for the purpose, which assessments shall be conclusive. Upon any such assessment the said commissioners shall appoint a day and place for the payment of the same, of which time and place ten days notice shall be given by advertisements, posted at five of the most public places of the neighborhood, and which notices shall contain the names of the several owners taxed, and the amount of money each is required to pay; and it shall be the duty of the taxables respectively to pay at such time and place, to any of the commissioners who may be in attendance, the sum assessed to him as aforesaid, and in case of non-payment the said commissioners shall have full power to levy and make the taxes so assessed and unpaid in the same manner and by the same means as are provided by law for the collection of county rates, except that no other notice or demand shall be required than the posting of the advertisements aforesaid; and the commissioners may either collect the said taxes themselves, or by warrant, under their hands and seals, or the hands and seals of a majority, may authorize and empower one of their number to make such collections; and the person so authorized and empowered shall have as full authority to proceed as though he were a collector of county taxes. In case none of the commissioners shall happen to be present at the time and place named in said notices, they may, upon and by like notices, appoint another time and place for the payment and receipt of the sums so assessed and payable.

Assessments

Additional assessments.

Final.

Payment.

Notice.

Powers of commissioners in collecting taxes.

SECTION 5. *And be it further enacted*, That when and so soon as the commissioners shall have finished the cutting and opening of the said ditches, drains, prongs and outlets, they shall cause a plot to be made of the same, showing the course and distance, depth and width of each ditch, drain, prong and outlet, and the name of each owner shall be stated

Plot, course and distances of ditches, etc.

OF DITCHES.

on said plot, with the distance which it runs through his land, and shall annex to said plot a general but accurate description of the number of acres of each owner benefited, the sums levied from and paid by each owner for the expenses attending the cutting and opening thereof, and the rate at which the same was levied, and they shall cause the same to be recorded in the office of the Recorder of Deeds in and for Kent county, and such record, or a certified copy thereof, shall be evidence.

Record.

Evidence.

SECTION 6. *And be it further enacted,* That the said commissioners, when the said cutting and opening shall have been completed and the said plot shall have been made and lodged for record, shall, within two weeks afterwards, give notice, in writing, to the managers for the time being, who shall thereupon and within two weeks call a meeting of all the taxables, by public notice as aforesaid, and shall give special notice thereof to the said commissioners, at which meeting the said commissioners shall attend, and then and there make a just statement and render a full and true account of their doings in the premises, showing their receipts and expenditures, and the several persons to whom the money was paid and for what such payment was made, and shall pay over to the treasurer any residue that may remain unexpended, and shall deliver to the secretary all books, papers and vouchers in possession or control, showing their action as such commissioners, and shall take the receipts of the said treasurer and secretary; and such settlement being made and receipts given and accepted shall be final and conclusive. Upon such settlement the said commissioners shall exhibit a true statement of the number of days each was employed or engaged in and about the performance of the duties enjoined by this act in the work of viewing the said swamps and low grounds and in preparing the papers directed to be made, and in attending to the opening and cutting the said ditches, drains, prongs and outlets; and each of said commissioners shall be entitled to receive the sum of two dollars for each day on which he was so employed or engaged, and a further sum for collecting and disbursing the money collected, to be fixed by the vote of the company at such meeting, not to exceed five per centum thereof; and in such settlement any sum so due may be retained by the commissioners for the benefit of any of them so entitled, and if there be not enough money in their hands for the purpose of compensation, any deficiency shall be paid by the company, and it shall be the

Meeting of
taxables.
Notice.Statement of
commis-
sioners.Settlement
with secre-
tary and
treasurer.
Conclusive.
Duties of
commis-
sioners.Compensa-
tion.

OF DITCHES.

duty of the managers immediately to levy and make the same from the taxables in the same manner as they are hereby authorized to levy money to keep up the ditches of the company.

SECTION 7. *And be it further enacted,* That when the said ditches, drains, prongs and outlets shall have been cut and opened, or any other ditches, drains, prongs or outlets hereby authorized to be laid out and cut by any commissioners, and the duties of the commissioners in relation thereto shall have been completed, then it shall become the duty of the company to keep the same open and in good order and repair, so as to drain and reclaim the said swamps and low grounds, and at the annual meetings of the said company after the said ditches, drains, prongs and outlets shall have been cut and opened, the said company, by a majority of votes cast, may determine from time to time what sum and sums of money ought to be raised by way of taxes for that purpose, and in order to raise the said sum and sums so determined, the managers, for the time being, are authorized and required to lay and assess upon the value of the said swamps and low grounds mentioned in the certificates of the commissioners as being benefited according to and upon the value of the benefits, profits and advantages of the respective quantities or parcels of the said swamps and low grounds held by the several owners thereof, a certain rate upon each and every dollar of said value so as to raise the said sum and sums so determined to be raised by the company, and the valuation and appraisal made by the commissioners shall be the basis upon which all and every such taxes shall be assessed, levied and raised until another appraisal or valuation shall be made as herein authorized. When any such tax is deemed necessary as aforesaid, the managers shall make out duplicate lists under their hands, or the hands of a majority of them, of the assessments and taxes made and levied by them, which shall contain a minute of all changes of ownership and transfers of any of said low grounds and swamps, and one of said lists shall be delivered to the secretary and the other to the treasurer, and such assessments and lists shall be final and conclusive, and the said lists so delivered to the treasurer shall be a sufficient warrant to him or his successors for levying and collecting all and every the sums of money and taxes on said lists mentioned, and for this purpose the treasurer shall have full power and authority to levy and make the taxes on said list in the same manner and by the same means

Ditches to be kept in good repair.

Annual meeting.

Taxes. How raised.

Appraisal.

Duplicate lists. Contents.

Delivered to secretary and treasurer.

Warrant to treasurer to collect.

Powers of treasurer.

OF DITCHES.

prescribed by law for the recovery and collection of county rates, and every treasurer, for the time being, shall have like power to collect, within five years after the same have become due and payable, all taxes unpaid upon any list delivered to any former treasurer. Before any treasurer shall exercise the power of collection hereby given, the managers shall appoint the time for the payment of said taxes, and give notice thereof by advertisements posted in five of the most public places of the neighborhood for ten days, and then, in case of non-payment, the treasurer may proceed as hereinbefore authorized. In the performance of their duties, the managers shall have power to employ such workmen as they may deem necessary, and all the wages and expenses in and about such work shall be paid by orders drawn by them on the treasurer, and each order shall specify the services, wages and expenses for which it was drawn, and an exact account shall be kept by the managers of all orders drawn by them, specifying the services or expenses for which each was drawn, and said accounts shall be laid before the annual meetings of said company. Each manager, before entering upon the duties assigned him by the requirements of this act, shall be sworn or affirmed, before some person qualified to administer oaths, to perform the same according to the best of his skill and judgment, which oath or affirmation, under the hand of the manager making it, shall be certified by the person before whom it is made, and shall be returned to the secretary, and shall be by him recorded in the books of the said company, and the original shall be kept among its papers. The acts of a majority of the managers shall be as valid and effectual as the acts of the whole.

SECTION 8. *And be it further enacted,* That the said company shall have authority, at any annual meeting to be held after the said ditches, drains, prongs and outlets shall have been cut and opened, and the commissioners shall have fully completed the duties hereby assigned, to direct, by a majority of votes cast at such meeting, that a new appraisalment or valuation of the swamps and low grounds within the bounds of the company shall be made; and whenever, at such meeting, the said company shall have so determined, there shall be elected at the same meeting three commissioners, being freeholders of Kent county and residents therein, and not being members of said company, to make such new appraisalment or valuation, which appraisalment or valuation shall be made, certified, returned and recorded in the same

OF DITCHES.

manner as hereinbefore provided for the certificate and return on the original assessment, within sixty days after their election as aforesaid, and the said appraisement and valuation shall be the appraisement and valuation upon which the taxes shall be thereafter levied until the same is altered and supplied by a new valuation or appraisement, to be made in like manner. In case any commissioner so elected shall be unable or refuse to act, the Associate Judge of the Superior Court residing in Kent county may appoint another or others instead, in the same manner as hereinbefore provided in the case of the commissioners originally herein named. Any commissioners so elected and making such new valuation or appraisement shall have power, on the request of the managers for the time being, or a majority of them, in writing, to view and determine concerning the necessity of further new ditches, drains, prongs, or outlets, and to return certificates thereof, and if deemed necessary to lay out, cut and open the same as fully and in the same manner as the commissioners herein first appointed, and all the provisions concerning and powers conferred upon the commissioners so first herein appointed shall apply and belong to any commissioner so making a new valuation or appraisement, and being requested as aforesaid, so far as the same may be useful and appropriate.

Vacancies.
How filled.

Powers.

SECTION 9. *And be it further enacted*, That the treasurer, upon entering upon the duties of his office, shall give bond to the company, with surety or sureties to be approved by the managers, and in such sum as they shall direct, with conditions to be void if he shall pay all orders drawn on him by the managers so far as he shall have funds in his hands for that purpose, and shall well and truly account for all moneys that shall come into his hands as such treasurer, and shall pay over any sum that may be due from him to his successor in office, and shall perform all the duties of his office with fidelity.

Bond of
treasurer.
Approval.

Conditions.

SECTION 10. *And be it further enacted*, That the commissioners named in this act, or such others as may be appointed in their stead, shall procure a certified copy of this act from the Secretary of State and deliver the same to the secretary of the company, who shall record the same among the records of the company; the fee for which, as well as for the drawing of this act and all other expenses attending the performance of their duties, shall be paid by them out of any funds in their hands arising under this act. The secretary

Certified
copy re-
quired.

Recorded.
Where.

OF DITCHES.

Duties of
secretary.

shall also record any certificate delivered to him by the commissioners, and all lists delivered from time to time by the managers, and all other proceedings of said company at any annual or occasional meeting, or which the company may direct to be recorded, in a suitable book, and properly file all papers belonging to the company which shall come into his hands, and the same shall be records of the company which any member thereof shall have the right to inspect under the supervision of the secretary, and shall deliver all records and papers of said company in his custody to his successor in office. The secretary shall receive for his services such sum as the company may direct. Each manager

Compensation of Secretary.
Compensation of managers and treasurer.

shall receive such compensation as may be allowed by the company, not exceeding two dollars for each day's service, and the treasurer shall be allowed such commissions as may be fixed by the company, not exceeding five per centum on all moneys by him collected, excluding moneys paid to him by his predecessor in office. The compensation provided by this act to be fixed by the company shall be determined by a majority of the votes cast, and in case of the officers shall be so determined at each annual meeting.

Compensation.
How fixed.

Penalty for
obstruction
of ditches.

SECTION 11. *And be it further enacted,* That if any person shall willfully fill up or obstruct any ditch, drain, prong, or outlet of said company, or shall willfully obstruct or impede the course of the water running down the same, every such person shall pay to the company the sum of one hundred dollars, to be recovered by suit, in the name of said company, before any justice of the peace in and for Kent county, and for any other damage or injury to any such ditch, drain, prong, or outlet, the said company shall have and maintain an action in the Superior Court in and for Kent county if the damages claimed shall exceed one hundred dollars, or before any justice of the peace in and for said county if such claim be less than that amount.

How
recovered.

Action for
damages.

Privileges of
adjacent
owners of
low lands
with refer-
ence to trib-
utary ditches

SECTION 12. *And be it further enacted,* That every owner of swamp or low grounds ratable and assessed by virtue of this act shall, from time to time, have the right to discharge the water from their respective lands into ditches, drains, prongs, or outlets of the company, by ditches or drains to be cut and opened and kept open at the expense of the persons benefited thereby, through the grounds of other owners, in such place or places and of such width and depth as any three commissioners, or a majority of them for the time being, shall

OF DITCHES.

lay out and prescribe; or, if there be no such commissioners in being, any such owner, desiring to cut and open such ditches or drains, shall have the right to apply to the Associate Judge of the Superior Court resident in Kent county for the appointment of three commissioners, who shall be freeholders of and residents in Kent county and not members of the company, for that purpose; such other owners through whose lands the said ditches or drains may be opened shall contribute such proportion of the expense of cutting, opening and keeping open said ditches and drains as the commissioners shall direct, to be recovered before any justice of the peace at the suit of the owner or owners having paid or performed the same. The commissioners so laying out any such ditches or drains shall make return of their proceedings in and about the said service, including in such return their estimate of the cost of opening, cutting and keeping open the same, and their apportionment thereof among the respective owners, unto the secretary of the company, to be by him recorded, and such record, or a certified copy thereof, under the hand of the secretary and the seal of the company, shall be evidence. Each commissioner shall be entitled to the sum of two dollars for each days service in laying out said ditches or drains, to be paid primarily by the person making application for such services; but such person shall have the right to recover from the other owner or owners benefited a proportion of such expenditure, to be ascertained by the rate at which each is directed to contribute towards the expense of cutting and opening the same by the return of the commissioners. Every owner shall have the right to cut, open and keep in repair any ditch or drain through his own swamp or low grounds into any ditch or ditches or drains of said company.

Appoint-
ment of new
commission-
ers.

Expense.

How recov-
ered.

Return.

Estimate of
costs, etc.

Record.

Evidence

Compensa-
tion of com-
missioners.
By whom
paid.

SECTION 13. *And be it further enacted,* That the commissioners first herein named, or any commissioners appointed in their stead, or any commissioners who may be appointed or requested to view, for the purpose of laying out any new ditches, drains, prongs, or outlets of the company, shall have power, if deemed by them to be proper, to employ a surveyor to assist in the discharge of their duties and in making the certificates and plots herein authorized and required, who shall be sworn or affirmed to perform faithfully the duty imposed on him; and the expense attendant upon such employment and service shall form part of the expenses contemplated in the performance by such commissioners of the duties enjoined upon them, and shall be paid in like manner. The

Surveyor.

Sworn.

How paid.

OF DITCHES.

meeting first herein provided for, at which the officers of the company are first elected, shall be held under the direction of the commissioners then in being, or a majority of them.

SECTION 14. *And be it further enacted*, That the act entitled "An act to incorporate the Kirk Branch Ditch Company," passed at Dover, March 27, 1879, be and the same is hereby repealed, except Section 14 thereof, repealing the act of the same title, passed at Dover, February 25, 1859, for which purpose the said section is continued in force.

SECTION 15. *And be it further enacted*, That this act shall be deemed and taken to be a public act.

Passed at Dover, April 3, 1883.

CHAPTER 160.

OF DITCHES.

AN ACT to incorporate the "Gum Branch Ditch Company" in Cedar Creek and Nanticoke Hundreds in Sussex County, Delaware.

Preamble.

WHEREAS under and by virtue of an order heretofore issued out of the Superior Court of the State of Delaware in and for Sussex county, a certain ditch in Cedar Creek and Nanticoke hundreds in the county and State aforesaid, known as the Gum Branch Ditch, has been laid out, nearly made and opened, and also an order of said court for another ditch in said hundreds, known as the Stallion Head Branch Ditch (a prong of Gum Branch), has been laid out, nearly made and opened; and whereas it appears to be the interest of the taxables on said ditches that further provision should be made by this General Assembly for completing [and] keeping the same cleansed and in repair;

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring)*, That Isaac C. Webb, Joshua Webb, Charles H. Russell, James H. Wharton, S. I. Hemping, Wm. H. Hemping, John Webb, Chalton Smith, I. M. Hemmonds and James Murphy, and

OF DITCHES.

all others who now are or hereafter may become taxables upon the said Gum Branch Ditch and the different streams or branches and ditches tributary thereto, be and the same are hereby declared to be incorporated for the purpose in this act mentioned, by the name, style and title of the Gum Branch Ditch Company, and shall have succession, and by the same name may sue and be sued, plead and be impleaded in all courts of law or equity in this State, and shall have all other powers incident to a corporation except banking powers.

SECTION 2. *Be it further enacted*, That the said taxables or corporators shall hold their first meeting on the third Saturday in April of the present year 1883, at the school house by John Webb, in Cedar Creek hundred aforesaid, at which said meeting the said taxables or corporators shall elect, by ballot and by plurality of votes, two managers and one treasurer for said corporation; said meeting shall be called by five days written notice, signed by any four of said taxables or corporators and posted in three or more of the most public places in the neighborhood of the lands drained or benefited by said ditches. The said managers and treasurer so appointed shall serve for one year and until their successors are duly elected and qualified. The annual stated meetings of said taxables or corporators shall be held at the place aforesaid, or in such other place in said hundreds as the said taxables or corporators shall have designated for that purpose by a resolution adopted at any previous meeting, on the second Saturday of March in each and every year thereafter; of which said annual stated meetings the managers for the time being shall give notice in the same manner as is hereinbefore provided for calling the first meeting, and at which said annual meeting the taxables or corporators shall choose, by ballot and by a plurality of votes, one treasurer and two managers, and may do and determine all such matters and things as the said taxables or corporators may deem necessary for effectually cleansing or repairing said ditches; and such annual meeting of the said taxables or corporators may be adjourned from time to time, and occasional, or stated meetings, may be from time to time called by the managers for the time being, or the survivor, if either be dead, by giving notice required for annual stated meeting; and if the managers and treasurer shall not all, or any of them, be chosen at the stated annual meeting in any year, or if any manager or treasurer shall die, resign, refuse or neglect to act, vacancies thus happening may be filled at an adjourned or

Name.

Corporate powers.

First meeting.

Organization.

Notice of meeting. How called.

Term of office.

Annual stated meetings. Where held.

Notice. How given.

Officers chosen.

Adjourned meetings. Occasional meetings.

How called. Notice.

Vacancies. How filled.

OF DITCHES.

occasional meeting by ballot and plurality of votes as aforesaid; and all the managers and every treasurer elected under this act shall continue in office until the annual meeting next succeeding their election and until successors be duly chosen, except that if any manager or treasurer shall, after his election, remove from the neighborhood of such lands drained or benefited by said ditch, the said company may, at any of its meetings, declare the place of such manager or treasurer vacant and elect another in his place; and further, that said taxables or corporators, at any adjourned or occasional meeting, may do all such acts or things as may or might be done at a stated meeting and at all meetings of the said taxables or corporators. The taxables present shall be entitled to vote as each is liable to contribute, that is to say, each taxable shall be entitled to one vote for every dollar of tax paid by him or her.

Qualifica-
tion of voters

Commis-
sioners free-
holders.

Duties.

Valuation of
lands
drained.

Basis of
assessment.

SECTION 3. *And be it further enacted,* That the said taxables or corporators shall, at their first meeting to be held as aforesaid, choose by ballot and a plurality of votes, three substantial and disinterested freeholders of Sussex county aforesaid, (having no interest in any of the lands drained or benefited by said ditches,) as commissioners to go on the aforesaid ditches, whose duty it shall be, having first been sworn or affirmed to perform the duties devolved upon them by this act with fidelity, and if, in their judgment, shall deem it prudent and necessary for the drainage of any of the low lands of the taxables or corporators of said ditch, they shall lay off, widen, deepen or extend any new or old branch or branches of said ditch. The said commissioners shall have a right to call a surveyor to run out and survey any or all new branches only, and to make a valuation of the lands drained or benefited by such ditch, and the said commissioners are hereby further authorized and required to go upon and view all the lands which in their opinion, or in the opinion of a majority of them, are drained or benefited by said ditch, and to ascertain all of the said owners of the said lands drained or benefited by the said ditch and the quantity of such lands held by each owner or by the joint or common owners (if any be held undivided), and to appraise all the said lands which in their opinion, or in the opinion of a majority of them, are drained or benefited by the said ditch, and shall determine the value of the said lands according to the situation thereof and upon such principles as will do equal justice to all the owners thereof, which said appraisement shall be the basis of

OF DITCHES.

assessment for all the taxes levied under this act for the period of ten years next ensuing the date of making said appraisal; and if at the expiration of said period of ten years the said taxables or corporators shall by ballot and by a plurality of votes, at a stated annual meeting of said taxables or corporators, determine to make a new appraisal of said lands drained or benefited by said ditch as a basis for all their subsequent assessments of taxes, they shall choose by ballot and plurality of votes three other like commissioners for the purpose of making such appraisal, who shall have all the powers of those first chosen under this act, and whose appraisal when duly certified to a meeting of the said taxables or corporators shall continue for ten years thereafter as or for all their subsequent taxation under this act; but if the said taxables or corporators shall otherwise determine at said meeting, the appraisal first made under this act shall continue as a basis of all the then subsequent taxation under this act.

For what
period.

New ap-
praisement.
By whom
made.

Powers.

Term of
office.

Continua-
tion of new
appraise-
ment.

SECTION 4. *And be it further enacted,* That the said commissioners, or a majority of them, shall, within thirty days from the day of their appointment, call a special meeting of said taxables or corporators by giving five days public notice in writing, posted as aforesaid, to which said meeting the said commissioners, or a majority of them, shall return a certificate made under their hands or the hands of a majority of them, containing the names of the respective owners of the said lands, the quantity of said lands held by each owner or by joint owners (if any be undivided), and the appraisal of the several quantities or parcels of lands by said commissioners to be named as aforesaid, and the said commissioners are hereby further authorized and required, after viewing the said Gum Branch ditches, to estimate the probable expenses of cleansing, repairing and completing the said ditches; and the said commissioners, or a majority of them, shall, within thirty days after their appointment, certify to the managers for the time being the amount of such estimate. If any of the said commissioners shall die, resign, remove from Sussex county, or refuse to act before all the said duties of the said commissioners shall have been completed, then and in that case the said taxables or corporators may, at any annual, adjourned, or occasional meeting, choose a commissioner or commissioners to fill the vacancy or vacancies, and each commissioner shall, for each and every day's service in and about the business of

Special
meetings.
How called.

Certificates
by commis-
sioners.
Contents.

Estimate of
expense of
repairing
ditches.

Shown by
certificate.

Commis-
sioners va-
cancies.
How filled.

Compensa-
tion.

OF DITCHES.

said company under this act, be entitled to receive of said company the sum of one dollar and fifty cents.

SECTION 5. *And be it further enacted,* That for the purpose of raising the necessary sums of money for answering the purposes by this act intended, it shall and may be lawful for the managers for the time being, and they are hereby authorized and required, after the appraisement and valuation aforesaid shall be made and returned as aforesaid, and the estimate of probable expense shall be made and returned and certified to them as aforesaid, to lay and assess upon the value of said lands drained or benefited by said ditch mentioned in said certificate of the commissioners such sums of money as the said commissioners, or a majority of them, shall have estimated as the probable expense as aforesaid, or such part of said sum as the said managers may deem expedient to raise in the first instance, which said sum of money shall be apportioned among the several owners of the said lands drained or benefited by said ditch upon the basis of the appraisement so as aforesaid returned to said meeting by the said commissioners; and for the raising of any further or other sums of money which may be necessary for completing, cleansing, repairing and keeping in repair the said Gum Branch Ditch, it shall and may be lawful for the managers to lay and assess upon the value of the said lands drained and benefited by the said ditch all such sum and sums of money as the said taxables and corporators at any of their meetings, from time to time, determine and direct to be levied and raised; and all such sum or sums of money or taxes shall be apportioned in the same manner as is herein directed for the apportionment of the first tax to be levied and raised under this act. And the managers shall, from time to time, make out duplicate lists, under their hands, of all assessments and taxes by them levied and assessed as aforesaid, which lists shall also contain a minute of all changes of ownership (if any), by transfer or otherwise, of the said lands drained or benefited by the said ditch, so far as the same is known to the said managers; one of which said lists shall be delivered to the treasurer for the time being, and the other shall be retained by the managers, and shall be copied in the book where the records of the proceedings of said company are kept. The said list shall be final and conclusive upon all parties; and the list, from time to time delivered to the treasurer as aforesaid shall be a sufficient warrant to him, or his successors in office, for levying and collecting the sum of money or taxes in said lists mentioned.

Assessments

Apportionment.

Assessments for repairing of ditches.

Duplicates.

Delivery of lists to treasurer.

Such lists final.

Warrant for levying and collecting taxes.

OF DITCHES.

And furthermore, it shall be the duty of the managers, and they are hereby authorized and required to cleanse and repair the said ditch, and to keep or cause [it] to be kept open and in good repair. And generally the managers shall carry into full effect all the lawful directions of the company which shall from time to time be given them in relation to their aforesaid trusts, for which purpose the aforesaid managers shall have power to employ such workmen and laborers as may be necessary for repairing and keeping in repair;* the said work shall be paid by orders drawn by the managers on the treasurer; every order shall specify the service, wages or expenses for which it is drawn, and exact and true accounts shall be kept by the managers of all orders so drawn, and said accounts shall be laid before the annual or other meetings of the said taxables or corporators as they may direct. Any person assessed for a tax upon said ditch may discharge the same by work done in and about said ditch, which said work shall be accepted by the treasurer in payment of their tax; and every manager shall, for each and every day's service in and about the business of said company under this act be entitled to a fee from said company [of] the sum of one dollar.

Duties of managers.

Employment of workmen.

Orders.

Contents.

Account of orders kept by managers

Compensation of managers.

SECTION 6. *And be it further enacted*, That the managers laying the taxes shall appoint the time for payment of them; and it shall be the duty of the owners respectively to pay to the treasurer the taxes which (according to the list to be delivered to the treasurer from time to time as aforesaid,) they shall be liable to pay at the time or times appointed by the managers for such payment as aforesaid.

Time for payment of taxes.

Powers of treasurer.

SECTION 7. *And be it further enacted*, That the treasurer for the time being, and every treasurer for the time being shall, before he enters upon the duties of his office, give bond, with security to be approved by the managers, to the said taxables or corporators by the name aforesaid, in the penalty of double the amount of taxes assessed and to be collected, upon condition to be void if the said treasurer shall pay all orders drawn upon him by the managers for the time being, as far as he shall have funds of the company for that purpose, and shall well and truly account for all money which shall come to his hands as such treasurer, at any annual meeting of the company, or otherwise, as the company may direct, and shall pay any balance or sums that shall be due from him on such accounts to his successor in office, or otherwise, as the company may direct, and shall perform all

Bond of treasurer. Approval. Conditions.

*So enrolled, and in original bill.

OF DITCHES.

the duties of said office as treasurer with fidelity; and every treasurer for the time being shall have the same power to collect and levy all unpaid taxes upon a list delivered to a former treasurer as the treasurer had to whom the list was originally delivered.

Powers of
treasurer to
collect taxes.

SECTION 8. *And be it further enacted,* That the treasurer for the time being shall have full power and authority to demand and receive, levy and make, all and every the taxes which shall be laid and assessed pursuant to this act by the managers, according to the certificate or the list which shall be delivered to such treasurer; and in case any tax or taxes so levied and assessed, or any part thereof, shall remain unpaid for the space of ten days after the time appointed for the payment thereof as aforesaid, the treasurer for the time being shall proceed to make and levy all such taxes so remaining unpaid in the same manner and by the same means as are provided by law for the recovery of the county, poor and road taxes, except that the said treasurer shall advertise at least thirty days before the day of sale; and every treasurer shall be allowed a commission of five per centum on all money by him collected.

Compensa-
tion.

Right of
owners of
low ground
ratable and
assessed to
cut lateral
ditches.

SECTION 9. *And be it further enacted,* That every person holding any ground adjacent to said ditch, and ratable and liable to be assessed under this act, shall have full power and liberty, without any interruption or hindrance, to cut such other ditches or drains as may be necessary to drain such adjacent ground into the company's ditch at such place or places as the owner or owners of such adjacent ground shall find most convenient and proper; *provided, nevertheless,* that if the said ditches or drains from such adjacent ground shall run through the land of any other person or persons, the place of cutting the same shall be fixed and determined by three disinterested freeholders to be appointed by the managers for the time being, and the place so fixed and determined by said freeholders shall be certified by them under their hands to the managers for the time being, and the certificate entered upon the books of the company.

Proviso.

Certificate.
Where
entered.

Penalty for
obstructing
or injuring
ditches.

SECTION 10. *And be it further enacted,* That if any person shall willfully fill up or in any manner obstruct or injure the said ditch, or shall stop, obstruct or impede the course of the water running therein, every person so offending shall pay to the said Gum Branch Ditch Company the sum of thirty

OF DITCHES.

dollars, and also the damages sustained by said company by reason of such filling up, obstructing, stopping or impeding, to be recovered before any justice of the peace in and for Sussex county aforesaid, in the same manner and by [like] proceedings as debts under two hundred dollars are by law recoverable, and the jurisdiction necessary for such recovery is hereby expressly given to all and every the justices of the peace in said county.

Damages.
How
recovered.

SECTION 11. *And be it further enacted*, That this act shall be deemed and taken to [be] a public act, and that the power [of] revoking or repealing this act is hereby reserved to the Legislature.

Passed at Dover, April 10, 1883.

CHAPTER 161.

OF DITCHES.

A SUPPLEMENT to the act entitled "An act to incorporate the Pocomoke River Improvement Company."

Volume 13,
Chapter 195.
Supplement
to.

WHEREAS under the provisions of an act passed at Dover, March 22d, A. D. 1867, entitled "An act to incorporate the Pocomoke River Improvement Company," the low grounds lying west of the Pocomoke River Run and the Upper Pocomoke, beginning at George T. West's upper line, were not embraced within the limits of said company except for a qualified and special purpose; and whereas the owners of the said low grounds are desirous of becoming subject to all the provisions of the act aforesaid; therefore

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That the limits of the Pocomoke River Improvement Company, as now defined, be and the same are hereby extended so as to embrace all the low lands lying on both sides of the north prong of Pocomoke river, beginning at the place called the lake, and running through the lands

Limits.

OF DITCHES.

of the heirs of Louder N. Hearn, Shadrach Short, Robert Short, Joshua G. West, Elijah W. Collins and other lands, and terminating on the lands of Jacob P. Collins, and known and designated as the north prong of the Pocomoke river.

Rights of
owners.

SECTION 2. That the owners of the low lands aforesaid shall have the same right, powers and privileges as are now enjoyed by the members of the said the Pocomoke River Improvement Company, and shall be subject to the same rules, regulations and restrictions which are imposed upon the said the members of the said company by the act to which this is a supplement.

Commis-
sioners
powers.

SECTION 3. That the commissioners named in the act to which this is a supplement, shall have the same powers and privileges, and it shall be their duty, upon the request of the managers of the corporation created by the act to which this act is a supplement, to go upon, view, assess and perform all the duties in respect to the lands herein embraced, as is required of them under the original act.

Duties.

Election of
board of
managers
and treasurer
Powers.

SECTION 4. That nothing in this act shall be construed to prevent the owners of the low lands lying along the said north prong of the Pocomoke river from electing a board of managers to rule and govern the said north prong of the Pocomoke river, and the election of a treasurer of the said north prong of the Pocomoke river, but that the same power and authority now exercised by the owners of the lands along the said north prong be and the same shall continue.

Passed at Dover, April 18, 1883.

OF RAILROADS.

CHAPTER 162.

OF DITCHES.

AN ACT to amend an act entitled "An act incorporating 'The Fan Branch Ditch Company,'" passed at Dover, April 7th, 1869.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein),* That the act entitled "An act to incorporate 'The Fan Branch Ditch Company,'" passed at Dover, April 7th, 1869, be and the same is hereby amended by striking out of Section 5 of said act the following words: "At all meetings the taxables present shall be entitled to cast one vote only;" and insert in lieu thereof the following: "At all meetings of the said company every owner of any swamp or low grounds ratable and assessed by virtue of this act may vote if present, or if absent by proxy duly attested under hand and seal; and every person so assessed shall be entitled to one vote for every ten dollars, or fractional part thereof, for which he shall stand assessed." Section 5 of Chapter 643, Volume 13, amended.
Who may Vote.
Proxy.

Passed at Dover, April 19, 1883.

CHAPTER 163.

OF RAILROADS.

AN ACT to authorize the "Delaware and Chesapeake Railway" to consolidate and form a union with "The Philadelphia, Wilmington and Baltimore Railroad Company."

WHEREAS "The Philadelphia, Wilmington and Baltimore Railroad Company" is the owner of all the shares of the capital stock of the "Delaware and Chesapeake Railway;" and whereas the line of railroad of the former company is connected with that of the latter by an intervening railroad, to wit: the "Delaware Railroad;" and whereas the first named company operates and controls the railroad of the said "The Delaware Railroad Company" under a lease executed Preamble.

OF RAILROADS.

pursuant to the authority of an act of the General Assembly of the State of Delaware in that behalf; and whereas the maintenance of the said "Delaware and Chesapeake Railway" as a separate organization involves the necessity of keeping separate and distinct accounts and employing separate officers, and thereby the annual expense of operating the same is considerably augmented; and whereas the said "Delaware and Chesapeake Railway" is a corporation existing under the laws of the States of Delaware and Maryland; and whereas the General Assembly of the State of Maryland, by an act approved May 3, 1882, has empowered the said last named corporation to consolidate and form a union with the said "The Philadelphia, Wilmington and Baltimore Railroad Company;" and whereas in order to effect such consolidation and union it is necessary that legislation should be had in this State similar to that enacted in the State of Maryland as aforesaid; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein,) as follows:

May consolidate by agreement. To be approved by two-thirds vote of stockholders

SECTION 1. That it shall be lawful for the "Delaware and Chesapeake Railway" at any time to consolidate and form a union with "The Philadelphia, Wilmington and Baltimore Railroad Company," by agreement between the boards of directors of the said companies upon such terms and conditions as to them may seem best; said agreement to be executed under the corporate seals of the said companies, and approved by a two-thirds vote of the stockholders thereof present or represented at any annual meeting, or at any special meeting called for that purpose, after thirty days notice by publication in one or more newspapers of this State.

Notice.

Agreement to be filed in office of Secretary of State.

SECTION 2. That when any such agreement shall have been approved by the stockholders of the said respective companies, and the fact of such approval certified thereto by the secretary of each company under its corporate seal, it shall be filed in the office of the Secretary of State, and thereupon the said two corporations shall be taken to be one corporation in law, by the name provided in said agreement, possessing all the property, powers, rights and franchises, immunities and privileges of each of the said corporations consolidated and united as aforesaid, and subject to all the

The two corporations considered as one in law Powers, etc.

OF RAILROADS.

restrictions, disabilities and duties of each of such corporations, save as far as modified by such agreement; *provided* that all rights of creditors and all liens upon the property of each of said corporations shall continue unimpaired, and each of such corporations so consolidated may be deemed to be in existence to preserve the same; and all debts, duties and liabilities of each of said companies shall thenceforth attach to the consolidated company, and may be enforced against it to the same extent and by the same process as if said debts, duties and liabilities had been contracted by it; *and provided further*, that a certified copy of the said certificate and copy of agreement so to be filed in the office of the Secretary of State shall be evidence of the lawful holding and action of such meeting and of the consolidation of said companies. Any certified copy of the said document, under the seal of office of the Secretary of State, may also be recorded in the office of the Recorder of Deeds in and for Kent county, and such record, or a certified copy thereof, shall be evidence. If any stockholder in either of the said companies so consolidated shall be dissatisfied with or object to such consolidation, it shall be lawful for such stockholder, within thirty days after the completion of such consolidation, to apply, by petition, to the Chancellor of this State (a copy of which petition shall be served on the new company,) to appoint three disinterested persons to estimate and appraise the damage, if any, done to such stockholder by the said consolidation, and their award, or that of a majority, when confirmed by the Chancellor, shall be final and conclusive; and they shall also appraise the share or shares of stock of such stockholder at their full market value, without any regard to the appreciation or depreciation arising from said consolidation, and their appraisement, or that of a majority of them, when confirmed by the Chancellor, shall be final and conclusive. And the said new company may, at its election, pay to such stockholder the amount of the damages so estimated, or the value of the stock so appraised; and such stockholder, upon receiving such damages, or such value of the stock held by him, shall transfer such stock to said new company, to be disposed of by the directors thereof, or retained by them for the benefit of the stockholders of such new company.

Proviso.

Preservation
of rights,
debts, etc.Further
proviso.
Copies of
certificate
and agree-
ment evi-
dence.Recorded.
Where.
Evidence.
Stockholder
objecting
may petition
Chancellor.Chancellor
may appoint
commission
to ascertain
damages.
Award.Appraise-
ment of
stock.When con-
clusive.Transfer of
stock.

SECTION 3. That it shall be lawful for "The Philadelphia, Wilmington and Baltimore Railroad Company" to consolidate and form an union with the "Queen Anne and Kent

May consol-
idate with
other corpo-
rations by
judicial sale.

OF RAILROADS.

Conditions. Railroad Company" and the "Dorchester and Delaware Railroad Company," or any corporation organized by the purchaser or purchasers of the franchise and property of said last mentioned company and succeeding to and acquiring title to the franchises and property thereof by means of a judicial sale, or either or both of them, in the same manner, by the same process, upon the same conditions, with like effect, and subject to the same restrictions as are hereinbefore provided and stipulated concerning the consolidation and union of the "Delaware and Chesapeake Railway" with the said "The Philadelphia, Wilmington and Baltimore Railroad Company."

Public act. SECTION 4. That this act shall be deemed and taken to be a public act, and the power to revoke the same is expressly reserved to the Legislature.

Passed at Dover, February 1, 1883.

CHAPTER 164.

OF RAILROADS.

A SUPPLEMENT to an act entitled "A supplement to an act to incorporate the Purchasers of the Wilmington and Western Railroad," passed March 1st, 1881. Laws of Delaware, Volume 16, Chapter 454.

Preamble. WHEREAS the Delaware Western Railroad Company and the Baltimore and Philadelphia Railway Company, in pursuance of the act to which this is a supplement and of the laws of Pennsylvania, have been consolidated so as to form one corporation, known as the Baltimore and Philadelphia Railroad Company, as shown by the certified copy of the agreement of consolidation now on file in the office of the Secretary of State; and whereas by such consolidation said The Baltimore and Philadelphia Railroad Company has become entitled to all the rights, powers, privileges and franchises of the Delaware Western Railroad Company; therefore

OF RAILROADS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch thereof concurring) :

SECTION 1. That the said "The Baltimore and Philadelphia Railroad Company," being the corporation which has succeeded to all the rights, powers, privileges and franchises of the Delaware Western Railroad Company, shall be and is hereby authorized to locate and construct its railroad or railroads, authorized by the first section of the act to which this is a supplement, within the town of Newark, on the route now located by said Delaware Western Railroad Company for said railroad within said town, instead of running within one-half a mile of said town on the north side thereof, as provided in said act. Authorized to change route of road

SECTION 2. The time for the completion of the extension or extensions of said railroad, as provided in the first section of said act, is hereby extended for a further period of ten (10) months beyond the date fixed by said first section. Time for completion extended.

SECTION 3. The president and directors of the said Baltimore and Philadelphia Railroad Company may, from time to time, borrow money and issue bonds, or other certificates or evidences of indebtedness, and secure the same by one or more mortgages or deeds of trust upon its railroad or branches, constructed and to be constructed, and upon the real, personal and mixed property owned, or to be thereafter acquired by said company, and the corporate rights, powers, privileges and franchises of said company, or upon any part or parts of said road, branches, property, or rights and franchises; and said president and directors may sell, or otherwise dispose of such bonds or certificates of indebtedness as they may deem necessary and proper for the corporate purposes of said company. Authorized to borrow money and issue bonds.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 26, 1883.

OF RAILROADS.

CHAPTER 165.

OF RAILROADS.

AN ACT to amend "An act to incorporate the Purchasers of the Wilmington and Reading Railroad," passed February the twenty-second, A. D. eighteen hundred and seventy-seven (Feb. 22, 1877.)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the General Assembly concurring):* That the Wilmington and Northern Railroad

May con-
struct cer-
tain railroad
Location.

Company may, in addition to the powers heretofore granted, locate and construct a railroad not exceeding two and one-half (2½) miles in length from any point on its road between DuPont Station and Silverbrook Station, to a point not exceeding five hundred yards in distance from the new bridge over the Brandywine creek near the lower powder yard of E. I. DuPont, de Nemours and Company, and may also locate

May locate
and con-
struct
branch road.

and construct a branch railroad from any point on the road hereby authorized to be built to the Henry Clay Factory, on the Brandywine creek, belonging to the said firm of E. I. DuPont, de Nemours and Company, and may make connection with the said railroads, and operate them, and may also

May make
railroad con-
nections,
lateral roads
and side
tracks.

make such lateral roads and side-tracks as may be required for the purposes aforesaid, and for these purposes the said the Wilmington and Northern Railroad Company is hereby in-

Clothed
with all nec-
essary pow-
ers.

vested and clothed with all the rights, powers, franchises and privileges granted by or contained in the acts heretofore passed in relation to the Wilmington and Brandywine Railroad Com-

Proviso.

pany, the Wilmington and Reading Railroad Company and the Wilmington and Northern Railroad Company; *provided*, that the said railroads, or any lateral road or side-track thereof hereby authorized to be constructed, be located, made and

Location.

constructed so that the same or any part thereof shall not run or be laid within the distance of one-half mile from any powder mill, powder yard or magazine, or any building used for the making or storing of gunpowder, and which now or at the time of the location or construction of the said roads belongs to the firm of E. I. DuPont, de Nemours and Company without the written consent of the said firm of E. I. DuPont, de Nemours and Company being first had for that purpose.

OF RAILROADS.

SECTION 2. *And be it further enacted,* That the said the Wilmington and Northern Railroad Company may borrow money at a rate of interest not exceeding six per cent. per annum for the purpose of building the roads hereby authorized, and for that purpose may issue its bonds and may secure the payment of the said bonds by a mortgage of the said roads or either of them. May borrow money and issue bonds, to be secured by mortgage

SECTION 3. *And be it further enacted,* That nothing in this act contained shall be so construed as to impair, effect or restrict, or in anywise to deprive the Wilmington and Northern Railroad Company of any of the rights, powers, franchises or privileges granted to or conferred upon the said the Wilmington and Northern Railroad Company, or which the said company now has or enjoys by virtue of any act or acts of the General Assembly of this State heretofore passed. Rights, etc., of Wil. & N. R. Co. preserved.

Passed at Dover, February 26, 1883.

CHAPTER 166.

OF RAILROADS.

AN ACT to authorize "The Philadelphia, Wilmington and Baltimore Railroad Company" to widen and improve its lines of Railroad within this State.

WHEREAS the public interest demands that all reasonable, practicable precautions should be taken by railroad companies to secure the safe carriage of persons and property and for increasing the facilities and capacity for the transportation thereof; and whereas it will be conducive to such results if an additional track or tracks, and such additional sidings should be constructed at such points on the line of railroad of "The Philadelphia, Wilmington and Baltimore Railroad Company" as its board of directors may, from time to time, determine to be necessary and advisable; therefore Preamble.

OF RAILROADS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows :

Lawful to
widen and
enlarge road
bed.

Proviso.

Width.

May acquire
land for this
purpose.
Proviso.

Mode.

SECTION 1. That it shall and may be lawful for the said "The Philadelphia, Wilmington and Baltimore Railroad Company" to widen and enlarge the road bed on the whole or any portion or portions of its line of railroad within this State, and the bridges, crossings, sidings and structures thereof or connected therewith, from time to time, whenever in the opinion of the board of directors it may be necessary so to do for the purposes stated in the preamble of this act, *provided* that such road bed shall not be widened by authority of this act to a greater extent at any point than will make the whole width of the same one hundred feet, and for such purpose to purchase, hold and use, or enter upon, take and appropriate land and materials; *provided* that before the said company shall enter upon or take possession of any such land and materials it shall make ample compensation to the owner or owners thereof or parties interested therein, the amount of such compensation to be ascertained either by agreement with the parties or in the mode herein-after provided.

Condemna-
tion proceed-
ings.

Freeholders
to assess
damages.

Oath.

Notice.

SECTION 2. In case the said company cannot agree with the owner or owners or parties interested in such land and materials for the compensation for the damages done or likely to be done, or where by reason of the absence from the State or legal incapacity of any such owner or owners or parties interested therein no such compensation can be agreed upon, the said company may apply by petition to the Superior Court of the County of New Castle, if in session, or to the Associate Judge residing in said county, in vacation, first giving the other party five days notice in writing of such application if within the State, and the said court or judge shall appoint five judicious and impartial freeholders to view the premises and assess the amount of compensation to be paid by the said company for such land and materials so needed by it for the purpose contemplated by Section 1 of this act. The said freeholders shall be duly sworn to perform their duties with fidelity, and shall meet upon the premises for the purpose of their appointment, first giving to the said company and other parties in interest, if resident in this State, five days notice, in writing, of the day and hour

OF RAILROADS.

when they will so meet thereon. And the said freeholders, after viewing the premises and fairly and impartially estimating and determining the amount of compensation which such owner or owners or other party in interest ought to receive as the value of the said land and materials so taken, shall make a return in writing under their hands, or the hands of a majority of them, to the said court (if they were appointed by its order,) or to the said judge if acting under his appointment, showing the amount of compensation awarded by them to such owner or owners or other parties in interest for such land so to be taken by said company by authority of this act. And the said court at its then next term, or the said judge, shall either confirm the said return or, in a proper case, appoint five other freeholders with like powers. When such return shall have been confirmed by the said court or the said judge, then, upon the payment by the said company to such owner or owners or other parties in interest of the amount of compensation so awarded, either to them personally or into the said court for their use, or by depositing the same to their credit in the "National Bank of Delaware," at Wilmington, the title to the land and premises mentioned and described in said report shall be absolutely vested in the said company, its successors and assigns. All such returns as shall be made to and confirmed by such judge as aforesaid shall be filed in the office of the Prothonotary of the Superior Court in and for New Castle county, and shall become and be record thereof as fully as if such returns had been made to and been confirmed by said court.

Report of
freeholders.Duty of
court upon
return made.Confirma-
tion.On paying
or depositing
damages,
land vests in
company.Returns.
Where filed.

SECTION 3. That it shall be lawful for the said company from time to time, as its board of directors may deem expedient, to lay out, construct, maintain and operate within this State branches from any of its lines of road now established, not exceeding eight miles in length, with full power to purchase, hold and use, or enter upon, take and appropriate such land and materials as may be necessary for the construction and maintenance of the same, and with power to acquire title thereto in the same manner and by the like proceedings as are set forth and prescribed in Section 2 of this act; *provided* that the powers by this section conferred shall not be so construed as to authorize the bridging of the Christiana river at any point east of the present bridge of the Delaware Western Railroad Company, and at no more than one point west thereof, and that no branch under authority of this section shall be so constructed as to prevent the navigation of

May lay out
and con-
struct
branch roadsAcquire land
and title
thereto.
ProceedingsProviso.
Prohibitions

OF RAILROADS.

Further
proviso.
Location.

Naaman's creek, or to obstruct the free use of the public landing thereon near the village of Claymont; *and provided further*, that any branch constructed pursuant to the provisions of this section shall not be located within the distance of a half-mile of any powder mill, powder yard or powder magazine existing at the time of such construction.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, February 27, 1883.

CHAPTER 167.

OF RAILROADS.

AN ACT to enable "The Philadelphia, Wilmington and Baltimore Railroad Company" to construct a certain Branch Railroad, and for other purposes.

Preamble.

WHEREAS a line of railroad has been projected and is now under construction through the eastern shore counties of Virginia which, when completed, will afford an outlet for the products of that section to market over the lines of the "Delaware" and "Philadelphia, Wilmington and Baltimore Railroad Companies;" and whereas delays are occasioned in the transit of fruit, market and freight trains through the City of Wilmington; and whereas it is highly important that fruits and perishable freights should be transported to the principal markets and distributing points of the country with quick dispatch and all unnecessary delays be avoided; and whereas the present route can be materially shortened, and the transportation of through fruit, market and freight trains from the Peninsula can be greatly expedited by the construction of the branch by this act authorized, and thereby the public streets of the City of Wilmington would be relieved of a large number of freight trains during the fruit season; and whereas, also, it would greatly promote the agricultural interests of the Peninsula if additional facilities were provided for marketing the grain produced thereon by the erection of a large grain elevator at some accessible point whence the same could be readily forwarded to any market; therefore

OF RAILROADS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:

SECTION 1. That it shall and may be lawful for "The Philadelphia, Wilmington and Baltimore Railroad Company," and it is hereby authorized and empowered to locate, construct, maintain and operate a branch railroad, of one or more tracks, extending from a point on the line of its Delaware Division near "State Road Station" in a northeasterly direction, by the most available route, and crossing the Christiana river between its mouth and the mouth of Brandywine creek to a point on its main line near the point where such main line crosses the Shellpot creek, and for that purpose to purchase, hold and use, or enter upon, take and appropriate land and materials; *provided* that before the said company shall enter upon or take possession of any such land or materials it shall make ample compensation to the owner or owners thereof, or parties interested therein; the amount of such compensation to be ascertained either by agreement with the parties or in the mode hereinafter provided.

Authorized
to locate,
etc., branch
railroad.

Termini.

May acquire
land.

Mode.

SECTION 2. In case the said company cannot agree with the owner or owners or parties interested in such land and materials as to the compensation [for the damages] done or likely to be done, or when by reason of the absence from the State or legal incapacity of any such owner or owners or parties interested therein, no such compensation can be agreed upon, the said company may apply by petition to the Superior Court of the County of New Castle, if in session, or to the Associate Judge residing in said county, in vacation, first giving the other party, if within the State, five days notice in writing of such application, and the said court or judge shall appoint five judicious and impartial freeholders to view the premises and assess the amount of compensation to be paid by the said company for such land and materials so needed by it for the purpose contemplated by Section 1 of this act. The said freeholders shall be duly sworn to perform their duties with fidelity, and shall meet upon the premises for the purpose of their appointment, first giving to the said company and other parties in interest, if resident of the State, five days notice, in writing, of the day and hour when they will so meet thereon; and the said freeholders, after viewing the premises

Condemna-
tion proceed-
ings.

Freeholders
to assess
damages.

Oath.

Notice.

OF RAILROADS.

and fairly and impartially estimating and determining the amount of compensation which such owner or owners, or other party in interest ought to receive as the value of the said land and materials so taken, shall make a return in writing, under their hands, or the hands of a majority of them, to the said court, (if they were appointed by its order,) or to the said judge, if acting under his appointment, showing the amount of compensation by them awarded to such owner or owners, or other parties in interest, as the value of such lands so taken by the said company by authority of this act; and the said court, or the said judge, shall either confirm the said return, or in a proper case appoint five other freeholders with like power. When any such return shall have been confirmed, then upon the payment by the said company of the amount of compensation thereby awarded, either directly to the parties in interest, or into the said court for their use, or by depositing the same to their credit in the National Bank of Delaware at Wilmington; the title to the land and materials mentioned and described in said return shall be absolutely vested in the said company, its successors and assigns. All such returns as shall be made to and confirmed by such judge as aforesaid shall be filed in the office of the Prothonotary of the Superior Court in and for the said County of New Castle, and shall become and be records thereof as fully as if such returns had been made to and confirmed by said court.

Report of
freeholders.

Duty of
court upon
return made.
Confirmation.
On paying
or depositing
damages,
land vests in
company.

Returns
Where filed.

Drawbridge
across Chris-
tiana River.

Width.
Costs.

Free naviga-
tion.

Location.

Not allowed
to use streets
of New
Castle.

Exception.

SECTION 3. That in constructing its road authorized by this act across the Christiana river, the said "The Philadelphia, Wilmington and Baltimore Railroad Company" is hereby required to erect and maintain a draw or pivot bridge at the crossing of said stream which shall afford a passage for vessels of not less than one hundred feet in width, and shall also provide, at its own cost and expense, at all times, proper attendance upon said bridge, as is customary in such cases; and the said bridge shall be so erected and constructed as to impede as little as possible the free navigation of the Christiana river, and shall not be located within a distance of three hundred yards from the mouth of said river.

SECTION 4. That nothing herein contained shall be so construed as to authorize the location of the railroad to be constructed under its provisions along any public street of the City of New Castle without the permission of the City Council of said city.

OF RAILROADS.

SECTION 5. That the said company be and it is also hereby authorized to erect, maintain and operate a grain elevator at some convenient point on the front of the River Delaware, in or near the said City of New Castle, and to connect the said elevator with its present line of railroad and the railroad to be constructed by authority of this act by a branch track or tracks, with power to acquire title to land and materials for the purpose of such elevator and the location and construction of such branch track or tracks by the like proceedings, in the same manner, and with like effect as is hereinbefore provided with relation to the branch railroad authorized by Section 1 of this act; *provided, however*, that no such branch track shall be located and constructed along any public street of said City of New Castle without the permission of said City Council first obtained.

Grain elevator.

Railroad connections.

For this purpose may acquire land.

Mode.

Proviso.

SECTION 6. That the said "The Philadelphia, Wilmington and Baltimore Railroad Company" may borrow money for the purpose of building the railroad and grain elevator by this act authorized, and may mortgage such railroad and its franchises, and also such grain elevator and the premises whereon the same shall be erected, for the purpose of securing the money so borrowed.

May borrow money.

Secured by mortgage.

SECTION 7. That the branch line of railroad authorized by Section 1 of this act shall be located within three months, the work of construction shall be actually and bona fide commenced within six months, and the same shall be wholly constructed and put in operation within fifteen months from and after the passage of this act, or all the rights, powers, franchises and privileges by this act conferred shall cease, determine and become null and void; *provided, however*, that if the said company shall be hindered or delayed in the work of location and construction by reason of litigation in any form, or by the appointment of second commissioners to assess compensation for rights of way, the time consumed by such delays shall not be computed as within the periods aforesaid, but equivalent additional time shall in such case be allowed the said company in which to complete the said work.

When road completed.

Failure. Forfeiture of rights, etc.

Proviso.

SECTION 8. That nothing in this act contained shall be so construed as to affect, alter, impair, or restrict the exercise by the said company of any of its rights, powers, franchises, or privileges which it now has or is possessed of under or by virtue of any act of the General Assembly of this State.

Existing rights preserved.

OF RAILROADS.

Revocation. SECTION 9. That this act shall be deemed and taken to be a public act, and in case the said company shall hereafter misuse or abuse the privileges hereby granted, and shall be lawfully convicted of such misuse or abuse, the Legislature shall have power to revoke this act and to resume the rights and privileges hereby granted.

Passed at Dover, February 27, 1883.

CHAPTER 168.

OF RAILROADS.

A Further Additional Supplement to the act entitled "An act to incorporate the Delaware Railroad Company."

Be it enacted by the Senate and House of Representatives in General Assembly met, (two-thirds of each branch of the Legislature concurring), as follows:

| | |
|--|--|
| Supplement to Chapter 11, Volume 9 | SECTION 1. That it shall and may be lawful for the corporation created by the act to which this is a supplement, to |
| Authorized to locate branch road. | locate, construct, maintain and operate a branch railroad of one or more tracks, commencing at some point on its main |
| Location. | line not more than three miles north of Clayton Station and |
| Termini. | running thence towards the town of Smyrna, and passing through or near the edge of the said town and on either side thereof, and connecting with its main line of railroad at some point not more than three miles south of said Clayton |
| May acquire land. | Station, and for that purpose to purchase, hold and use, take and appropriate such land and materials as may be necessary for the location and construction of said branch in the same |
| How. | manner, by the like proceedings, and subject to the same conditions and restrictions as are provided by the act to which this is a supplement and the several acts amendatory thereof and supplemental thereto. |

SECTION 2. That nothing in this act contained shall be so construed as in any wise to limit, restrict or impair any of the rights, powers and privileges which the said company is possessed of under any act of the General Assembly of this State.

OF RAILROADS. *

SECTION 3. That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

Passed at Dover, March 9, 1883.

CHAPTER 169.

OF RAILROADS.

AN ACT to amend the act entitled "An act to incorporate the Sussex Midland Railroad Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of each branch of the Legislature):

SECTION 1. That in order to enable the Sussex Midland Railroad Company, a corporation duly incorporated under the laws of this State, March 26th, 1875, to carry out the purposes for which it was organized, the said company is hereby authorized and empowered to cross the tracks of any and all other railroad companies lying between its termini and which the line of its road may cross except the Junction and Breakwater Railroad tracks. Such crossing to be either at grade or over such track or tracks by substantial bridging or trestleing, or under the same by substantial tunnels, or other proper work or works for the purpose, as may be determined upon by the president and directors of the said Sussex Midland Railroad Company. And if the president and directors shall not be able to agree with any other railroad company whose track or tracks shall be crossed as aforesaid as to the amount of compensation or damages to be paid for the easement of such crossing, then the said Sussex Midland Railroad Company shall have the right to condemn said easement in accordance with Section 4 of the original act incorporating the Sussex Midland Railroad Company, passed March 26, 1875.

Chapter 146,
Volume 15,
amended.

Authorized
to cross cer-
tain railroad
tracks.
Exception.

Compensa-
tion.
Condemna-
tion proceed-
ings.

SECTION 2. *And be it further enacted,* That the said Sussex Midland Railroad Company shall have full power to unite, connect and consolidate with any railroad company or companies either in or out of this State, so that the capital stock

Consolida-
tion author-
ized.

• OF RAILROADS.

of said companies so united, connected and consolidated, respectively, shall constitute a common stock, and the respective companies shall thereafter constitute one company and be entitled to all the rights, privileges and immunities which each of them possess, have and enjoy under and by virtue of their respective charters, three-fourths of the stockholders having authorized or ratified said consolidation.

Proviso. *Provided further*, that the shares of the capital stock of said Capital stock. company shall be one hundred dollars each, instead of twenty-five dollars, and that the said railroad shall be constructed Amount. through or within one-half of a mile of Bridgeville, instead of from some point near said town, and that it shall be constructed in an easterly direction from said Bridgeville to Georgetown, or within one-half of a mile of said town, instead of to some point between said Georgetown and Ellendale, as provided in the act incorporating said Sussex Midland Railroad Company.

Termini. *Provided further*, that the said powers, rights and privileges granted and conferred by this act and also by the act to which this act is an amendment, shall become null and void unless said railroad shall be commenced within one year, and completed, with at least one set of tracks, within three years from the date of the passage of this act; but if any attempt be made to hinder or delay the construction of said railroad by litigation, the time occupied thereby shall not be estimated in the said period.

Proviso. *And provided further* that the said the Sussex Midland Railroad Company be and the said company is hereby required to fence and maintain on both sides of said road with a legal fence on the whole line of their said road in this State.

Limitation. *And provided further* that the said the Sussex Midland Railroad Company be and the said company is hereby required to fence and maintain on both sides of said road with a legal fence on the whole line of their said road in this State.

Further proviso. *And provided further* that the said the Sussex Midland Railroad Company be and the said company is hereby required to fence and maintain on both sides of said road with a legal fence on the whole line of their said road in this State.

Fences. *And provided further* that the said the Sussex Midland Railroad Company be and the said company is hereby required to fence and maintain on both sides of said road with a legal fence on the whole line of their said road in this State.

Power to lease.

SECTION 3. And the said Sussex Midland Railroad Company shall have power to contract with or to lease and operate any railroad or railroads, steamboat or steamship line, either in or out of this State, for the purpose of carrying on its business. *And provided further* that said railroad shall be constructed, maintained and operated in all respects in accordance with the act of March 26, 1875, incorporating said Sussex Midland Railroad Company.

Passed at Dover, March 16, 1883.

OF RAILROADS.

CHAPTER 170.

OF RAILROADS.

A Further Supplement to an act entitled "An act to incorporate the Wilmington City Railway Company," passed at Dover, February 4, 1864.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION 1. That the Wilmington City Railway Company be and they are hereby authorized to borrow money to an amount not exceeding fifty thousand dollars, in addition to the amount which it is now by law authorized to borrow, and to secure the payment of the same by issuing its bonds and by mortgage of its railway franchises and property, real and personal.

Authorized to borrow not exceeding \$50,000 in addition.
Payment secured by bonds and mortgage.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 5, 1883.

CHAPTER 171.

OF RAILROADS.

AN ACT to authorize "The Wilmington and Northern Railroad Company" to Widen and Improve its lines of Railroad within this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That it shall and may be lawful for the said "The Wilmington and Northern Railroad Company" to widen and enlarge the road-bed on the whole or any portion or portions of its line of railroad within this State, and the bridges, crossings, sidings and structures thereof or connected therewith, from time to time, whenever in the opinion of the board of directors it may be necessary so to do; *provided* that such road-bed shall not be widened by authority of this act to

Authorized to widen and enlarge road bed, etc.
Proviso.

OF RAILROADS.

May acquire
land.
Proviso.
Compensa-
tion to
owners.

a greater extent at any point than will make the whole width of the same one hundred feet, and for such purpose to purchase, hold and use, to enter upon, take and appropriate land and materials; *provided* that before the said company shall enter upon or take possession of any such land and materials it shall make ample compensation to the owner or owners thereof or parties interested therein; the amount of such compensation to be ascertained either by agreement with the parties or in the mode hereinafter provided.

Condemna-
tion proceed-
ings.
Freeholders
appointed.
Sworn.
Meeting of
freeholders.
Notice.
Return.
Duty of
court upon
return made.
Confirma-
tion.

SECTION 2. In case the said company cannot agree with the owner or owners or parties interested in such land and materials for the compensation for the damages done or likely to be done, or where by reason of the absence from the State, or legal incapacity of any such owner or owners or parties interested therein no such compensation can be agreed upon, the said company may apply by petition to the Superior Court of the County of New Castle, if in session, or to the Associate Judge residing in said county, in vacation, first giving the other party five days notice, in writing, of such application, if within the State. And the said court or judge shall appoint five judicious and impartial freeholders to view the premises and assess the amount of compensation to be paid by the said company for such land and materials so needed by it for the purpose contemplated by Section 1 of this act. The said freeholders shall be duly sworn to perform their duties with fidelity, and shall meet upon the premises for the purpose of their appointment, first giving to the said company and other parties in interest, if resident in this State, five days notice, in writing, of the day and hour when they will so meet thereon; and the said freeholders, after viewing the premises and fairly and impartially estimating and determining the amount of compensation which such owner or owners or other parties in interest ought to receive as the value of the said land and materials so taken, shall make a return in writing, under their hands, or the hands of a majority of them, to the said court, (if they were appointed by its order,) or to the said judge if acting under his appointment, showing the amount of compensation awarded by them to such owner or owners or other parties in interest for such land so to be taken by said company by authority of this act. And the said court, at its then next term, or the the said judge, shall either confirm the said return, or in a proper case appoint five other freeholders with like powers. When such return shall have been confirmed by the said court or the said judge,

OF RAILROADS.

then, upon the payment by the said company to such owner or owners, or other parties in interest, of the amount of compensation so awarded, either to them personally, or into the said court for their use, or by depositing the same to their credit in the "National Bank of Delaware" at Wilmington, the title to the land and premises mentioned and described in said report shall be absolutely vested in the said company, its successors and assigns. All such returns as shall be made to and confirmed by such judge, as aforesaid, shall be filed in the office of the Prothonotary of the Superior Court in and for New Castle county and shall become and be records thereof as fully as if such returns had been made to and been confirmed by said court.

On paying
or deposit-
ing damages
land vests in
company.

Returns.
Where filed.

SECTION 3. That it shall be lawful for the said company, from time to time, as its board of directors may deem expedient, to lay out, construct, maintain and operate, within this State, branches from any of its lines of road now established, not exceeding eight miles in length, with full power to purchase, hold and use, or enter upon, take and appropriate such land and materials as may be necessary for the construction and maintenance of the same, and with power to acquire title thereto in the same manner and by the like proceedings as are set forth and prescribed in Section 2d of this act; *provided* that the powers by this section conferred shall not be so construed as to authorize the bridging of the Christiana river, nor shall any part of this act be construed so as to allow the said "Wilmington and Northern Railroad Company" to build any of its branches on either side of the Christiana river within a distance of four hundred feet, unless a special agreement is made with the owners of the lands thereon through which said branch or branches may pass; and that no branch under authority of this section shall be so constructed as to prevent the navigation of any stream, or to obstruct the free use of any landing thereon; and *provided further* that any branch constructed pursuant to the provisions of this section shall not be located within the distance of a half mile of any powder mill, powder yard, or powder magazine, existing at the time of such construction, without the written consent of the owner of such powder mill, powder yard, or powder magazine.

May con-
struct
branches.

Acquire land

How.

Proviso.

Not allowed
to bridge the
Christiana
River, or
construct
branches of
road on
either side,
within cer-
tain distance
unless by
agreement.

Restrictions
as to location
near powder
mills, etc.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, April 5, 1883.

OF RAILROADS.

CHAPTER 172.

OF RAILROADS.

AN ACT to incorporate the Wilmington and Brandywine Passenger Railway Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

| | |
|---|---|
| Commissioners. | SECTION 1. That John G. Baker, Joseph Tatnall, Isaac S. Elliot, Preston Lea, Jacob Pusey, Evans Pennington, T. Allen Hilles, James C. Pickles, George W. Talley and George A. Elliott be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, |
| Duties. | that is to say: they, or a majority of them, shall procure and cause to be opened, at such time and places and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the corporation hereinafter created. The subscriptions to said capital may be made either in person or by attorney. Five per centum upon the amount of stock subscribed shall be paid to the commissioners at the time of subscription. As soon as subscriptions shall have been made to the amount of twenty-five thousand dollars and the five per centum thereon paid as aforesaid, the subscription shall be closed, and the commissioners shall call a meeting of the subscribers, to be held in the City of Wilmington, upon ten day's notice thereof, published in two newspapers of said city, for the purpose of organizing the company by the election of officers. A majority of said commissioners shall form a quorum for the transaction of any business, and a majority of those present at a meeting may determine any question. If any commissioner before named shall decline to perform the duties herein prescribed, the remaining commissioners may, if they deem it expedient, appoint another person to act in his place. Upon the organization of the company the commissioners shall pay to the treasurer of the corporation the five per centum received by them, first deducting expenses actually incurred. |
| Books of subscription. | |
| Amount paid at time of subscription. | |
| When subscription closed. | |
| Meeting of subscribers. Time and place. Notice. | |
| Election of officers. Quorum. | |
| Vacancies. How filled. | |
| Amount subscribed paid to treasurer. | |
| Incorporated. When. | SECTION 2. That as soon as twenty-five thousand dollars of capital stock shall have been subscribed and the five per centum thereon paid as aforesaid, the subscribers, and their successors, shall become and they are hereby declared to be a |

OF RAILROADS.

body corporate, under the name of "The Wilmington and Brandywine Passenger Railway Company," and by that name shall have succession, with power to sue and be sued, to plead and be impleaded in all courts of law and equity, to purchase, take and hold, grant, sell and dispose of lands, tenements, hereditaments, goods, chattels and effects, to have and use a common seal and the same to alter and renew at pleasure, to ordain by-laws for the corporation consistent with the constitution and laws of the United States and of this State, and generally to exercise and enjoy all the powers, rights and franchises incident to a corporation, except banking powers. The said corporation shall have power to borrow money to such an amount that its indebtedness, secured by bond and mortgage, shall not, at any time, exceed three-fourths of the amount of its capital stock for the time being, and to secure the payment of the same by issuing its bonds, and by mortgage of the said railway and of all the estate, real or personal, of the said corporation, together with all corporate rights and franchises held by it under this act or any supplement thereto.

Name.

Powers.

May borrow money to a certain amount, and secure loan by bond and mortgage.

SECTION 3. The capital stock of said company shall be fifty thousand dollars, to be divided into five thousand shares of ten dollars each. *Provided* that the said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock to any amount, so that it shall not, at any time, exceed one hundred thousand dollars; *and provided also* that any indebtedness of the company, secured by bond and mortgage, may be made convertible into capital stock under such regulations as the board of directors shall for that purpose prescribe. Shares of stock shall be personal estate. Certificates of stock, signed by the president and secretary, and sealed with the corporate seal, shall be delivered to each person for such share or shares of stock as by him or her are owned; which certificates of stock shall be assignable, in person, or by attorney duly authorized, in the presence of the treasurer or secretary, in a book to be kept by the corporation for that purpose.

Capital

stock,

\$50,000.

Shares.

How divided

Stock increased not exceeding \$100,000.

Proviso.

Indebtedness convertible into

stock.

Personal

property.

Certificates

of stock.

Assignable.

How.

SECTION 4. The stockholders, at their first meeting to be called by the commissioners, as before provided, and at each annual meeting thereafter, to be held upon such day in each year as the by-laws may appoint, shall elect, by ballot and by a majority of votes, seven directors, who shall be stockholders, to continue in office until the next annual meeting after their

Election of

seven

directors.

OF RAILROADS.

Corporation not dissolved by failure to elect. election and until successors, duly chosen, enter. A failure to elect directors shall not dissolve the corporation. Vacancies in the board may be filled by the other directors. At all elections, and in determining all questions at stockholders' meetings, each stockholder shall be entitled to cast as many votes as he or she shall hold shares of stock. *Provided* that after the organization of the company a stockholder shall be entitled to vote only with respect to stock which shall have been held by him or her for at least thirty days before the day of the voting; *and provided also* that no one stockholder shall cast votes for more than three-eighths of the whole number of shares of the capital stock for the time being. Votes may be cast either in person or by proxy, and a majority of the votes cast shall determine any question. Special meetings of the stockholders may be called as the by-laws shall direct.

Qualification of voters.

Proviso.

Further qualification.

Special meetings.

Quorum. SECTION 5. The affairs and business of the corporation shall be managed by the directors, four of whom shall constitute a quorum, and a majority of those present at any meeting shall determine any question. They shall elect one of their number president, and may appoint a secretary and treasurer, and employ such other officers, agents and servants as they may deem necessary; may fix the compensation of such officers, agents and servants, and take security by bond or otherwise for the faithful performance of their duties; they shall have power to make by-laws, rules and regulations for the government of the corporation, subject, however, to repeal or amendment by the stockholders at an annual meeting; they may call for the payment of the stock subscribed at such times and in such installments as they shall deem expedient, giving suitable notice of such call, by advertisement or otherwise, for at least two weeks. The directors shall declare dividends of so much of the net profits of the company as they shall deem expedient; *provided* that no dividends shall be made except out of the net profits of the company.

Officers chosen.

Compensation.

By-Laws.

Installments.

Notice of call.

Dividends.

Proviso.

In case of failure to pay subscriptions. SECTION 6. If any subscriber to or holder of the stock shall refuse or neglect to pay any installment on the stock subscribed for or held by him or her for thirty days after the time appointed for the payment thereof, (public notice of such call having been given as before provided) the directors may either declare such stock forfeited, and sell the same for the benefit of the corporation, or may, in the name of the corporation, sue for and recover from such delinquent subscriber or holder the sum remaining unpaid, with costs and

Power of directors.

OF RAILROADS.

interest thereon, and no holder of such stock shall, during the time any installment shall be due and unpaid, be entitled to vote at any meeting of the stockholders, or to receive any dividends on the stock.

When subscriber not allowed to vote or receive dividends.

SECTION 7. It shall be the business of the said corporation to locate, construct, operate and maintain a city railway for the carriage of passengers and freight for compensation, within the City of Wilmington, with the privilege also of extending such railway to any place or places outside of the city, not more than three miles distant from the city limits. The said railway shall commence at a point on French street opposite the station of the Philadelphia, Wilmington and Baltimore Railroad Company, between Front and Water streets, and shall extend northeasterly along French street to Sixteenth street, and thence along Sixteenth street and Market street, (crossing the bridge over the Brandywine creek at Market street) to a point at or near Riverview Cemetery on the Wilmington and Philadelphia Turnpike, or to such other place or places as the directors may select, not being more than three miles distant from the city limits. The railway, or any part of the same to be constructed under this section, may be laid with either a single or double track, or at any time altered from the one to the other, as the directors shall deem expedient, and with all sidings, turn-outs, switches and connections necessary for the proper working of said railway, and for locating, constructing, operating and maintaining the said railway. The company shall have power to use and occupy so much of any street, avenue, highway or turnpike within said city as may be necessary. *Provided* that said railway shall be conformed as near as may be to the grades which now are or hereafter may be established for any streets over which the same shall be located, and shall not interfere with the proper and free access to the culverts, water and gas pipes in said city. *And provided also* that steam power shall not be used to propel the cars of the said company, unless with the consent of the City Council of Wilmington. The said railway may cross any track of any railroad company now incorporated or hereafter to be incorporated; *provided* that it conform to the grade of the track to be crossed.

May operate a city railway in Wilmington. Privileges.

Termini of railway.

Single or double track with sidings, etc.

Right to use of streets, etc.

Proviso. Must conform to grades of streets.

Steam power forbidden.

Crossings.

May lay tracks over road of the Wilmington and Philadelphia Turnpike Company.

SECTION 8. The said Wilmington and Brandywine Passenger Railway Company shall have the right to lay their tracks over the road of the Wilmington and Philadelphia

OF RAILROADS.

Turnpike Company, both within and without the city limits; the consent of said company being first had and obtained. *Provided* that the said railway shall pay an equitable compensation for such privilege.

Consent.

Proviso.

Compensation.

Willful injury to railroad.

Civil action for double damages.

Misdemeanor. Fine.

SECTION 9. If any person or persons shall willfully damage or obstruct the said railway or any part thereof, or hinder or delay the building of the same, or hinder or delay the passage of cars over the same, or damage any of the works or property of the said company, such person or persons shall be liable to the company in a civil suit or action for double the amount of the damages sustained, and shall, moreover, be guilty of a misdemeanor, and on indictment and conviction thereof shall be fined not exceeding three hundred dollars, at the discretion of the court.

State tax to be paid. When. How.

SECTION 10. When the receipts of said company shall amount to such sum as shall warrant the declaration of dividends amounting to six per cent. in any one year, the said company shall pay to the State Treasurer, for the use of the State, a tax of one-quarter of one per cent. on the capital stock, and shall pay a tax of one-half of one per cent. when such dividends shall amount to a sum equal to ten per cent. in any one year, and said company shall be exempt from all taxation other than that imposed by this section, except the taxes levied by the City of Wilmington.

Exemption from taxation. Exception.

Charter perpetual.

Revocable.

SECTION 11. This act shall be deemed and taken to be a public act, and this charter shall be deemed and held to be perpetual, subject nevertheless to be revoked by the Legislature at any time.

Consent of City Council must be obtained before building road.

Time of completion, Dec. 1, 1884.

SECTION 12. It shall not be lawful for the said company to commence the building of the said railway without the consent of the City Council of Wilmington first had and obtained, and said railway must be completed and in running order before the first day of December, 1884, otherwise this act and all the rights, privileges and franchises hereby granted shall on the day last aforesaid wholly cease and determine.

Gauge, width and material. Duties of company.

Proviso.

SECTION 13. The gauge of said railway shall be five feet two inches; it shall be laid with what is known as "flat rail." And the said company shall, within the limits of the city, be required to pave within the rails of their track and for the distance of three feet on each side thereof, and to keep the said pavements in good repair; *provided, however*, that the

OF CHARITABLE INSTITUTIONS.

City Council of Wilmington may, in its discretion, permit the said company, for a term not exceeding five years, to leave unpaved such portions of said railway, in the rural or unimproved parts of said city, as may be specially designated and exempted by ordinance of said City Council.

SECTION 14. Should it be found desirable, it shall and may be lawful for the said company, with the consent of the said City Council, to build the said railway on Walnut street, in lieu of French street, beginning in Water street on the north side of the Philadelphia, Wilmington and Baltimore Railroad station, and continuing to and out said Walnut street to Sixteenth street, and thence to the bridge before named.

With consent of Council, road may be constructed on other streets.

Passed at Dover, April 11, 1883.

CHAPTER 173.

OF CHARITABLE INSTITUTIONS.

AN ACT to re-enact the act entitled "An act to incorporate 'The Trustees of the Home for Friendless and Destitute Children,' in the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION 1. That the act entitled "An act to incorporate 'The Trustees of the Home for Friendless and Destitute Children' in the City of Wilmington," passed at Dover, March 13th, 1863, and the several supplements thereto, be and the same are hereby re-enacted, and the corporation thereby created shall have succession for the further term of twenty years from the passage of this act.

Corporate existence extended for 20 years.

Passed at Dover, January 30, 1883.

OF IMMIGRATION COMPANIES.

CHAPTER 174.

OF CEMETERY COMPANIES.

AN ACT to repeal Chapter 478, Volume 16, of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 478, Volume 16, repealed. SECTION 1. That Chapter 478, Volume 16, of the Laws of Delaware, be and the same is hereby repealed, made null and void.

Passed at Dover, April 4, 1883.

CHAPTER 175.

OF IMMIGRATION COMPANIES.

AN ACT to incorporate the Delaware Immigration and Land Company of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Object. SECTION 1. That for the purpose of introducing* immigrants to engage in the various occupations of labor in
 Corporators. Delaware, James L. Heverin, Cody Anfenger, Antony Hauber, Henry Feltmeir, Francis Scheu, Albert N. Sutton, J. Thomas Budd, Charles B. Houston, Alfred H. Cahall, Simeon Pennewill, John H. Paynter, together with such other persons as may become associated, their associates and successors, be and they are hereby created a corporation by the name of the Delaware Immigration and Land Company, and by that
 Powers. name may sue and be sued, plead and be impleaded in all courts of law and equity in this State; to make and have a common seal, and to alter and amend the same at pleasure; to ordain and establish such by-laws, ordinances and regulations, and generally to do every act and thing necessary to

*So enrolled, and in original bill.

OF IMMIGRATION COMPANIES.

carry into effect this act or to promote the object and design of this corporation, not inconsistent with the laws of this State or the United States.

SECTION 2. The capital stock of the corporation shall be not less than twenty-five thousand dollars nor more than one hundred thousand dollars, in shares of fifty dollars each; it may hold real estate to any amount not exceeding at any one time two thousand acres; it shall have all necessary power for establishing and maintaining such lines of steamships or other vessels, and may deal in foreign exchange to such extent as may be requisite and proper to promote its general purposes under this act. Its principal office shall be at such place as the corporation may direct within the State of Delaware.

Capital stock.

Shares.

May hold real estate. Further powers.

Principal office.

SECTION 3. Any five or more of the corporators aforementioned shall, so soon as the minimum of the stock is subscribed, act as commissioners to organize the company in pursuance of the provisions of this act.

Organization.

SECTION 4. This act shall be deemed and taken to be a public act, and the power to revoke or alter the same is hereby reserved to the Legislature.

SECTION 5. That no officer, director or stockholder of this corporation shall be eligible to the appointment of Immigrant Commissioner of this State.

Ineligible to office of Immigration Commissioner.

Passed at Dover, April 19, 1883.

OF CITIES AND TOWNS.

CHAPTER 176.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Seaford.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Limits of the
Town of
Seaford.

Plot and
resurvey.

Where
recorded.

Evidence.

Council.
How com-
posed.
President.
Term of his
office.

Term of
office of
councilmen.
Election.

When and
where held.

SECTION 1. That the limits, streets, alleys, lanes and sidewalks of the town of Seaford in Sussex county, shall be and they are hereby declared to be the same as surveyed, located and established by the commissioners under the act entitled "An act for the establishing the boundaries of the limits, streets, alleys, lanes and sidewalks of the said town of Seaford, and for other purposes therein mentioned," passed at Dover, March 15th, 1865. The Council of the Town of Seaford may, at any time hereafter, cause a resurvey and plot to be made of the said town, and the said plot, when so made and approved by the said council, shall be recorded in the Recorder's office in and for Sussex county, and shall be evidence in all courts of law and equity in the State.

SECTION 2. There shall be a Council of the Town of Seaford, to be composed of seven members, one of whom shall, by said council, be elected President of said Council for the term of one year and until his successor shall be elected. The councilmen now constituting the town council, to wit: John H. Cottingham, Jno. W. Phillips and James B. Morrow, shall continue in office until the first Monday in March, 1884, and until their successors shall be duly elected and qualified. On the first Monday in March, 1883, there shall four councilmen be elected to serve for two years, and on the first Monday in March annually thereafter there shall be held an election in the Town Hall, or at such other place as the town council shall designate in the town of Seaford, for three, or four, councilmen of the said town of Seaford, to succeed those whose term of office will expire. The councilmen shall be elected for two years and until their successors shall be duly elected, and the President of the Council shall be elected from the board of council for the term of one year and until his successor shall be duly elected, but any councilman, or the president, may be re-elected. The councilmen shall be resident freeholders of the

OF CITIES AND TOWNS.

town of Seaford, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a member of said council or the president of said council, although he may not be the owner, in his own right, of any real estate within said town. The election shall be opened at one o'clock, P. M., and close at four o'clock, P. M. At such election every free male citizen residing in said town, who shall have paid the town tax last assessed to him, shall have the right to vote. Immediately after the election shall be closed the vote shall be counted, and the person or persons, as the case may be, resident in said town, having the highest number of votes shall be elected. The election shall be held by the alderman and two of the members of council who hold over, to be chosen by the council at a previous meeting to be held during the month of February. The alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed the alderman, or one of the assistants, shall draw said ballots out of the box, open and read out the same and pass the same over to one of the said assistants for his inspection, while the third election officer shall tally the votes. In case of a tie of persons voted for for councilmen, the alderman shall give the casting vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to each councilman-elect, with a notice of the time and place of the next meeting of the town council. Before entering upon the duties of their respective offices the councilmen-elect shall be sworn in at said meeting, or any subsequent meeting, by the alderman or one of the councilmen holding over. If at any election the alderman, or any of the persons whose duty it is to hold said election, should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the alderman or absent persons. A minute of each election, containing the names of the councilmen-elect, shall be entered immediately after said election in a book provided for that purpose, and subscribed by the persons holding said election. Said book shall be preserved by the town council, and shall be evidence. If any vacancy shall occur in the said council by the death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining councilmen shall have power to fill such vacancy or vacancies until the next regular election, when the vacancy shall be filled for the unexpired term.

Qualification of councilmen.

Opening and closing of elections.

Who entitled to vote.

Counting of votes.

By whom elections shall be held

Ballots.

Inspection of tickets.

Who shall decide when tie.

Certificates of election Notice of meeting.

Councilmen sworn.

Vacancies. How filled.

OF CITIES AND TOWNS.

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| Election of Alderman. | SECTION 3. The town council, at their first stated meeting after each annual election, or as soon thereafter as practicable, shall proceed to elect, by ballot, some suitable person, resident in said town, to be Alderman of the town of Seaford, who may or may not be a justice of the peace resident in |
| Term of his office. | said town, to serve as such for the term of one year, or until his successor shall be duly elected; subject, however, to be |
| Removal. | removed from office at any time by a vote of two-thirds of all the members comprising the town council. Before entering |
| Oath of office. | upon the duties of his office he shall be sworn or affirmed by the President of the Town Council, or by any one of the councilmen, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws |
| His duties and powers. | enacted for the government of said town, and to carry into effect all the orders and directions of the town council made in pursuance of any law of this State or of any ordinance that the said town council may legally make and establish; he shall have all the powers of the justice of the peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in the said town, so far as to arrest and hold for bail or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the town council regularly passed and established for the government of the town, and also all neglects, omissions or default of any town constable, collector, assessor, treasurer, town clerk or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; <i>provided</i> that he shall not impose any fine exceeding twenty-five dollars, or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs. |
| Proviso. | His fees for any service under this section shall be the same as those of a justice of the peace for a like service, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the town council. |
| Fees. | If any vacancy shall occur in the office of alderman of the town of Seaford by death, resignation, removal from office or otherwise, such vacancy may be filled by the town council at any meeting thereafter for the residue of the term. If any |
| Vacancies in alderman's office how filled. | alderman shall be removed from his office by the town council, as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his |
| His duties concerning successor. | |

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hands belonging to the town within five days after his removal; upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Penalty for neglect of such duty.

Misdemeanor and fine.

SECTION 4. The alderman shall, at every stated meeting of the town council, report to the council all fines and penalties imposed by him since their last meeting, and pay to the treasurer of the town of Seaford all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Monthly report of alderman.

SECTION 5. The President of Council shall preside at all meetings of the council, appoint all committees, receive complaints of nuisances, and other complaints of citizens of violation of laws and ordinances, and present the same to the council at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Seaford, which by Section 1, Chapter 51 of the Revised Code, a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

Duties of president of council.

SECTION 6. The Councilmen and the President of Council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded, in courts of law and equity in this State, by the corporate name of The Town of Seaford, and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold and enjoy lands,

Incorporated.

Powers.

Name.

OF CITIES AND TOWNS.

Power to
hold real
estate.

Superinten-
dence of
streets.

Appropri-
ation by Levy
Court for use
of streets.

Location of
new streets,
etc.

Reopening
old streets,
etc.

Compensa-
tion for
damages.
By whom
and how
paid.

Notice to
owners of
real estate.

Notice to
tenant, how
given.

tenements and hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and alien, grant, devise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this act. The president and councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open or hereafter to be open within the limits of said town; and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex county, but the said Levy Court shall annually appropriate for the repairs of said roads and streets a sum of money not less than three hundred and fifty dollars, and shall make an order for the payment thereof to the Treasurer of the Town of Seaford for the use of said town.

SECTION 7. The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open, or widen, any new street or streets, lane or lanes, alley or alleys, or widen any street, lane, or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town, upon warrants drawn upon him by order of the council aforesaid.

SECTION 8. Whenever the town council shall have determined to locate and lay out, or widen any street, lane, or alley, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane, or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane, or alley may run, of their determination to open and widen the same, and to furnish a general description of the location thereof, also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in

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said town, the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of compensation or damages allowed by the town council as aforesaid, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect to the president of said council. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten day's notice to said president of council, make written application to the Associate Judge of the Superior Court of this State, resident in Sussex county, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said associate judge shall issue a commission, under his hand, directed to five freeholders of the said county, three of whom shall be residents of said town of Seaford and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane, or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the associate judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said town council, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the town during the said period of one month, then the same may be deposited, to his or her credit, in the Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by freeholders appointed by the associate judge aforesaid, if the damages shall be increased the cost of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town; but if said damages shall not be increased the cost of the appeal

Appoint-
ment of
commission.

Qualifica-
tion of com-
missioners.

Freeholders
sworn.

Assessment
of damages.
Return of
freeholders.

Power to fill
vacancies.

Payment of
damages.

When de-
posited in
bank.

By whom
costs of ap-
peal shall be
paid.

OF CITIES AND TOWNS.

Fees of freeholders. shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the cost. After the damages shall be fixed and ascertained by the freeholders, the town council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the cost only, may abandon the proposed improvements.

Prosecution of improvements.

Nuisances, diseases, etc. **SECTION 9.** The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to protect shade trees planted along any streets, lanes or alleys within the town limits; to define and remove nuisances; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained;

Extent of jurisdiction. Ordinances defining, and for the removal of nuisances. Boundaries. to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing wherever in their opinion such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar-doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, cutting or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the town council shall have the option to make such change or alteration, or not. The town council shall also have power to enact ordinances

Grades of streets, etc.

Paving and graveling.

Storage of gunpowder, etc.

Breadth of footways.

Changing of grade.

OF CITIES AND TOWNS.

in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and shall impose an annual tax not exceeding one dollar on every male dog, or two dollars on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs, and on refusal to register or pay tax may kill them; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this act.

Ordinances
in relation to
dogs.

Fines for
enforcement
of ordi-
nances.

Surveys and
plots.

SECTION 10. Whenever the said town council shall have determined that any paving, curbing, or any or either or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expenses of such paving, graveling and curbing; if such owner or owners be not resident in the Town of Seaford, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said Town of Seaford, such bill may be sent by mail to such owner or owners, directed to him or them at the postoffice nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the Town of Seaford, under the hand of the President of the Town Council and seal of the said corporation, directed to the Treasurer of the Town of Seaford, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the Treasurer of the Town of Seaford, as soon as convenient

Owners of
real estate
notified.

Penalty for
failure to
comply with
notice.

Warrant for
collection of
costs upon
non-pay-
ment.
How issued.

OF CITIES AND TOWNS.

| | |
|---|--|
| To whom delivered. | after the said warrant shall be delivered to him, and after ten day's notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the Town of Seaford, at least ten days before the day of sale, to sell the goods and chattels of said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said Treasurer of the said Town of Seaford, after ten day's notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the Town of Seaford, for at least ten days before the day of sale, and |
| Duty of treasurer as to sale. Amount necessary. | after causing such notice of sale to be published twice in one newspaper printed in the said Town of Seaford, of if there be no newspaper printed in the said Town of Seaford, then in a newspaper printed anywhere in Sussex county, to sell the lands and tenements of such owner or owners in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with costs, and a deed from the Treasurer of the said Town of Seaford shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of the said town, from the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds and sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall be deposited in the Farmers' Bank of the State of Delaware at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same, and |
| When lands shall be sold. | |
| Notice, time and place of sale. | |
| Deed. | |
| Title. | |
| Claim for paving, etc. | |
| Costs, by whom, and how paid. | |
| Deposit of residue. | |
| Fees of treasurer. | |
| What costs shall include | |

OF CITIES AND TOWNS.

for advertising, all of which shall be part of the cost to be paid out of the purchase money as aforesaid. Any notice required by this section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier, or tenant, shall be sufficient, or if there be no owner, or occupier, or tenant of said premises resident in the town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post-office nearest his or her place of residence; the provisions hereinbefore contained in this section shall apply to any order made by the council of the said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall, in the judgment of said council, be necessary and proper.

Notice,
when served
on tenant.

When
mailed.

To what
foregoing
provisions
apply.

Powers of
Council.

SECTION 11. The town council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town, at any stated meeting. There shall be six stated meetings in every year of the said council, to wit: on the second Tuesday in March, May, July, September, November and January. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed, either by this act or the ordinances enacted as aforesaid, may be collected before the alderman of said town, or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding thirty days.

Further
powers.

Stated meet-
ings, time of

Powers.

Commit-
ment for
non-pay-
ment of fines

SECTION 12. The council of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Sussex county residing in said town, shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time, and appoint others in the place of those removed if it shall be deemed necessary to make such appointments.

Constables.

Removal.

OF CITIES AND TOWNS.

Annual
statements.Accounts
submitted to
voters.Fees of
councilmen.Council to
make ordi-
nances con-
cerning
streets.Fine for
violation.How
recovered.Jail to be
used by
town
council.Duty of
keeper of
jail.Power of
council to
make im-
provements.A majority
necessary to
make acts
legal.

SECTION 13. The council of said town shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town, but if there be no newspaper printed in said town it shall be the duty of said council to submit their book of accounts, containing the amounts received and paid out during each year, to the voters of said town, at the annual election, for their inspection. The said councilmen shall be allowed for their attendance at each of said meetings a sum not exceeding one dollar.

SECTION 14. The council of said town shall have power and authority to make such regulations and enact such ordinances relative to the traveling over and upon the streets, lanes, or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages, or other vehicles, or obstructions in and upon the public squares, or any of said streets, lanes, alleys, or sidewalks, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof; and if any person shall violate the regulations and ordinances of the said council in that behalf every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered, with costs, by the treasurer of said town in the name of the Town of Seaford, before the alderman of said town, or before any justice of the peace residing in said town, in the same manner as debts of like amount are recoverable by law.

SECTION 15. It shall and may be lawful for the council of said town to use the jail of Sussex county for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinances or regulations adopted under the provisions of this act; and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

SECTION 16. The council of said town shall have the power and authority to use the money in the treasury of said town, or of any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties the acts, doings and determinations of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of

OF CITIES AND TOWNS.

the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole. A majority of the council shall constitute a quorum for the transaction of business.

Vacancies.
How filled.

SECTION 17. It shall be the duty of the alderman of said town, and council of said town, and of the constables of Sussex county residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or about any buildings used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry him or them before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fines and costs shall be paid. It shall be the duty of the alderman of said town upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If upon view of the person or persons who may be brought before the alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons

Duty of
town officers

Duty of
alderman.

Fine and im-
prisonment.

Alderman's
duty to issue
warrant.
When.

Constable to
arrest
drunken or
disorderly
persons

Sentence.

Proceedings

OF CITIES AND TOWNS.

Fees. brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. *Provided* the town shall pay for the board of all persons committed to jail for violation of the charter or by-laws of the Town of Seaford.

Proviso.
Town to pay
board of
prisoners.

**Fireworks,
etc., pro-
hibited.** SECTION 18. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Fines.

**Nuisances
and obstruc-
tions abated
and removed.** SECTION 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square or in the streets, lanes, or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves, or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstructions or nuisance to be

**Notice.
By whom
given.**

OF CITIES AND TOWNS.

removed or abated, and for this purpose the council of said town may issue a warrant in the name of the Town of Seaford, under the hand of the president of the council and the seal of the said corporation, and directed to any constable of the town of Seaford, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Seaford, and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper, and do and perform all matters and things, right and proper to be done, for the removal of such obstructions or the abatement of such nuisance. The cost and damages of all the proceedings shall be determined and adjudged by the council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill, stating the amount of such cost and damages, shall have been presented to such person. Then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town, in the same manner as is provided in Section 10 of this act for the collection of the expenses of any paving, graveling, &c.; and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said section ten of this act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town, for the use of the town, the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two day's notice as aforesaid, to be recovered, with cost of suit, in the name of the Town of Seaford, before the alderman of said town, or any justice of the peace residing in said

Council to
issue war-
rant.

To whom
directed.

Constable
to abate
nuisance.
Authority of
constables.

Costs and
damages.

How col-
lected.

Treasurer
no power to
sell lands
and ten-
ements.

Additional
costs.

Recovery of
same.

OF CITIES AND TOWNS.

Time to be
computed
and included

Further
costs.

When not
cognizable
before
alderman.
Where suit
may be
brought.

town, as debts of like amount are recoverable. In ascertaining the amount of the judgment, the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two day's notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not abated or removed, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, shall exceed one hundred dollars, the case shall not be cognizable before the alderman or a justice of the peace, but in such cases suit, in the name of the Town of Seaford, may be brought in the Superior Court of the State of Delaware in and for Sussex county. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Misdemeanor.

Fine and imprisonment.

SECTION 20. If any constable shall neglect or refuse to perform any of the duties required of him by this act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the grand jury of Sussex county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned in the discretion of the court for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

Election of officers.

Term.

Collector.

Treasurer sworn.

SECTION 21. The town council shall also elect, at their stated in March, annually, as hereinbefore provided, by ballot, a treasurer, clerk, and assessor, for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The treasurer and clerk may or may not be the same person. The assessor shall be a freeholder, resident in said town, and may or may not be a member of said council. The said council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his office, which oath or affirmation may be administered to him by the president of said council or by any member thereof, or by any justice of the peace or notary

OF CITIES AND TOWNS.

public. He shall, also, before entering upon the duties of his office, give bond to the Town of Seaford, with sufficient surety, to be approved by the council of said town, in the penal sum of double the amount of what may be likely to come into his hands conditioned for the faithful performance of the duties of his office, and for the payment to his successor in office all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council and signed by the president and clerk thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually in the month of February, and oftener and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, clerk and assessor of said town shall each receive reasonable compensation for their services, to be determined by the council of said town. *Provided* the compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed ten per cent. on the taxes collected by him.

Bond.

Sureties.

Conditions.

Warrant of attorney. * Orders, how drawn and paid.

Settlement of accounts.

Treasurer to collect taxes.

Duties of clerk.

Compensation.

Proviso.

SECTION 22. It shall be the duty of the assessor of said town annually to assess every male citizen resident of the town above the age of twenty-one years fifty cents *per capita*, and also the real and personal property of every citizen subject to county assessment and taxation; also non-residents who may own real estate in the Town of Seaford, all of which shall be assessed at its cost value in money. The said assessor shall make such assessment to the best of his knowledge and belief, and return the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall, within five days next after

Duties of assessor.

Return of assessment to council.

OF CITIES AND TOWNS.

Assessment list to be hung up. Where. How long. receiving said assessment list, cause a full and complete transcript of said assessment list to be hung up in the post-office in said town, there to remain for the space of ten days thereafter for public inspection, and the said council shall, on the Monday next after the expiration of the said ten days, hold a court of appeals which shall continue open from two o'clock P. M. till four o'clock P. M. of said day, when they shall hear and determine appeals from said assessment, and may make corrections or additions to or alterations in the said assessment. Notice of the hanging up of the said assessment list, and also at the same time notice of the time and place of hearing appeals shall be given by posting such notice in at least five public places in said Town of Seaford.

Court of Appeals. Proceedings. The determination of the council of said town upon any appeal or upon matter relating to such assessment shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates, over and above the fifty cents *per capita*, on each male citizen of said town as hereinbefore provided.

Notice. The assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any justice of the peace or notary public.

Determination final. By whom.

Taxes, how levied. Assessor sworn.

Taxes not to exceed five hundred dollars. SECTION 23. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, which sum shall in no year exceed five hundred dollars, clear of dog tax and all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of May, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the council of said town in said year, or if there be none to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll or *per capita* and

List of assessment.

OF CITIES AND TOWNS.

assessable personal property and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, and in collecting the same, shall have all the power conferred by law on the collectors of the county rates and levies by the provisions of Chapter 12 of the Revised Code of 1852. In the collection of said taxes, the council of said town shall have the power and authority to order the collector of taxes, or if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of August in any year following the assessment of the same. The collector of taxes, before entering upon the duties of his office, shall give bond to the Town of Seaford, with sufficient surety to be approved by the council of said town, in the penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the council and treasurer of said town in the month of February next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town; *provided* that he shall not receive more than ten per cent. on the taxes collected by him. The council shall have power to make just allowances for delinquencies in the collection of taxes.

Collector's and treasurer's powers in collection of taxes.

Powers of council.

Bond. Surety.

Condition.

Warrant of attorney.

Compensation.

Proviso.

SECTION 24. The president, alderman, treasurer, clerk, collector, and town constables shall continue and hold their respective offices until the second Tuesday in March next, or until their successors shall be duly elected under the provisions of this act.

Present officers continued in office.

SECTION 25. The act entitled "An act incorporating the Town of Seaford," passed at Dover, March 15th, 1865, and the several acts amending the same, which are inconsistent with this act, be and the same are hereby repealed and made null and void, saving and excepting, however, from the effect of such repeal and hereby expressly declaring that all the

Acts repealed.

Exception.

OF CITIES AND TOWNS.

Town ordinances declared legal.

Acts of council legalized.

Debts, fines, &c., declared valid.

Powers of collectors.

Collector's and treasurer's bond unaffected.

ordinances of the town of Seaford heretofore enacted or adopted and now in force in pursuance of any law of this State shall continue in full force and effect until repealed, altered, or amended by the council of said town; that all the acts and doings of the council, formerly called commissioners, of said town, or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the commissioners of said town, are hereby ratified and confirmed; that all debts, fines, or penalties and forfeitures due said town of Seaford, and all debts due from said town of Seaford to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged; that all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town, heretofore assessed and uncollected, shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; that the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture, or debt, due said town under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

SECTION 26. This act shall be deemed and taken to be a public act.

Passed at Dover, February 19, 1883.

OF CITIES AND TOWNS.

CHAPTER 177.

OF CITIES AND TOWNS.

AN ACT to vest the Title of a Certain Lot of Ground, with the Buildings thereon erected, in the City of New Castle, in Trustees for the uses and purposes therein mentioned.

WHEREAS by an act of the General Assembly of the freemen of the counties of New Castle, Kent and Sussex upon Delaware, passed June 13, 1772, a certain lot of ground situate in the square called Market Square, in the centre of the then town of New Castle, whereon there had been erected a state house, gaol, and other buildings, which said state house, gaol, and other buildings had at all times been held for the uses and purposes therein mentioned, that is to say, the state house to and for the use of the representatives of the freemen of the counties aforesaid at all times when in Assembly met, and to the justices of the several courts of the said County of New Castle for holding of courts therein, and for such other uses as they, from time to time, shall limit and appoint; and as to the gaol, gaol's house and yard, with the appurtenances, to the use of the Sheriff of New Castle county for his residence and for the safe custody of all prisoners to him legally committed, &c.; and whereas the said state or court house hath ceased to be used for many years by the said freemen for the Assembly aforesaid; and whereas the said courts, by an act of the General Assembly, passed at Dover, March 20th, 1879, have been removed from the City of New Castle to the City of Wilmington, and the said justices of the said courts have ceased to use the said building for the purpose of holding courts as aforesaid; and whereas the said gaol, gaol's house and appurtenances are still used for the purposes expressed in the said act of Assembly; now therefore, in order to perpetuate the said uses and to keep and more effectually retain for the use of the people now and at all times the buildings aforesaid, for the uses and purposes for which, from time to time immemorial, they have been kept and held, and that the legal estate may be vested in trustees to and for the uses and purposes hereinafter mentioned and specified,

OF CITIES AND TOWNS.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

Court house
and other
buildings in
New Castle.

Title.
Trustees.

Purposes of the trust.

When to be held for the use of the City of New Castle.

Proviso,
Rights of
County
preserved.

SECTION I. That the said state or court house, gaol, gaol's house, yard, &c., and all the immunities, improvements, advantages, hereditaments and appurtenances, and the remainder and reversions thereof, shall, from and after the passage of this act, be vested in and settled upon George Gray, Joseph H. Rogers, Julian D. Janvier, Richard G. Cooper and John H. Rodney, of the City of New Castle, and the survivor or survivors of them, and the heirs and assigns forever of such survivor upon the trust nevertheless, and to and for the end, intents and purposes, and subject to the uses hereinafter mentioned, expressed and declared, that is to say, that the said state or court house, offices and buildings erected upon the said lot of land mentioned as aforesaid shall be to and for the uses of the Justices of the Superior Court of the State of Delaware, to be used by them for the holding of all courts of New Castle county, or of any other county which may be made, established, or organized from any division of said county, so long as the said courts shall, from time to time, be adjourned, continued, or held in said buildings. That the said gaol, gaol's house, yard, &c., shall be to and for the uses mentioned in the said act of Assembly of freemen herein before recited, and at all times, when the said buildings and appurtenances shall cease to be used for the purposes herein specified and set forth, then to be held to and for the use of the inhabitants of the City of New Castle, for such public and municipal uses and purposes as the said trustees, or their successors, may direct and appoint. *Provided, however,* that nothing in this section shall be construed so as to divert or interfere in any way with the title of New Castle county to said real estate, according to the uses and trusts created by the said act of Assembly of June 13, 1772. *And provided moreover* that said property shall not be used in any way or manner that may impair its fitness to be again used for the holding of courts and for county purposes.

SECTION 2. This act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, February 20, 1883.

OF CITIES AND TOWNS.

CHAPTER 178.

OF CITIES AND TOWNS.

AN ACT to amend an act passed at Dover, April 8th, 1869, entitled
 "An act to incorporate the Town of Felton." •

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

Sections 2, 3,
and 18 of
Chapter 479,
Volume 13,
Delaware
Laws,
amended.

SECTION 1. That the second section of said act be and the same is hereby amended by striking out the first three lines in said section and insert in lieu thereof the following, to wit: "The alderman of said town, to be elected as herein-after provided, shall ex-officio be a town commissioner and president of the board of town commissioners."

Alderman
ex-officio
president of
council.

SECTION 2. That section third of said act be and the same is hereby amended by striking out the whole of said section and inserting in lieu thereof the following, to wit: "On the first Saturday in March in each and every year, after the passage of this act, there shall be an election held in the town of Felton, at such time and place as may be fixed by the town commissioners, due notice of which shall be given by the said commissioners at least five days before said election, for the purpose of electing an alderman, six commissioners, an assessor, and treasurer. All of said commissioners shall be residents of said town, and at least four of them shall be freeholders in said town at the time of their election. The said election shall be held by three persons, appointed for that purpose by the commissioners of said town. It shall be their duty to receive the ballots, ascertain the result, certify the same in the town record, and make out certificates, sign them and deliver them to each of the officers elected. At such election every male taxable of said town who shall have paid the town tax last assessed to him shall be entitled to vote. The three citizens aforesaid appointed by the commissioners to hold the town election shall be the judges of said election, and shall decide on the legality of votes offered. All vacancies, occasioned by death or otherwise in the board, shall be filled by the remaining commissioners. The present alderman shall serve until his successor is duly elected and qualified."

Election.

Notice.

All commis-
sioners
residents.
Part free-
holders.

Duty of
commis-
sioners.

Who entitled
to vote.

Judges of
election.

Vacancies.
How filled.

OF CITIES AND TOWNS.

Section 18
amended.

Compensa-
tion of
officers.
Proviso.

SECTION 3. That section eighteen of said act be and the same is hereby amended by striking out the words "one hundred dollars" in the fourth line of said section, and insert the words "two hundred dollars," exclusive of "dog tax," in lieu thereof; and further to amend said section eighteen by striking out the last six lines of said section, after the word "require," and insert in lieu thereof the words "the said alderman, secretary, assessor, and treasurer, or collector, shall receive a reasonable compensation, to be determined by the board of commissioners; *provided* the compensation, as such, shall not exceed three per cent. in the case of the alderman, assessor and secretary, nor of ten per cent. in case of the collector, or of the treasurer when acting as collector."

Passed at Dover, February 21, 1883.

CHAPTER 179.

OF CITIES AND TOWNS.

An Additional Supplement to an act entitled An act for the better regulation of the Streets of Delaware City, and for other purposes, passed at Dover, March 5, 1851.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring herein):

Authorized
to levy dog
tax.

Proviso.

SECTION 1. The commissioners of Delaware City, with the approval of the mayor, shall have power to lay and collect such special tax upon dogs kept within the city limits as may be for the well-being of the said city; *provided, however*, that they shall not lay a tax exceeding five dollars upon each dog, and shall have power to pass such ordinance as they may deem proper in regard to dogs at large, or to regulate the keeping of vicious, noisy or rabid dogs within the limits of said city.

Town
elections.
Who may
vote.

SECTION 2. Any male inhabitant of said city, who is entitled to vote for representatives in the General Assembly, having resided within the city limits one year preceding the

OF CITIES AND TOWNS.

annual city election, having been assessed and having paid all taxes due from him to the said city during the preceding year, shall be entitled to vote at such election. No person, unless so qualified, shall be entitled to vote at any city election.

SECTION 3. That the mayor and commissioners of Delaware City are hereby empowered to deposit any money, investments and securities belonging to the sinking fund for the extinguishment and payment of the bonds issued by the mayor and commissioners of Delaware City, in the Delaware City National Bank, or with some safe trust or deposit company for safe keeping, or with any money belonging to the said sinking fund, or any surplus money belonging to the city they may have in their charge, they may buy the bonds issued by the said mayor and commissioners of Delaware City aforesaid, and cancel same and keep an accurate record of the bonds thus cancelled.

Sinking fund investments may be used for payment of city bonds.

Record to be kept of bonds cancelled.

SECTION 4. That such parts of the original act of which this is a supplement, and all supplements and parts of supplements of the same as are repugnant to this act are hereby repealed, and this act shall be a public act.

Passed at Dover, February 28, 1883.

CHAPTER 180.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Frankford.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring) as follows:

SECTION 1. That the limits and bounds of Frankford shall begin at a tenant house of John T. Long now occupied by Alfred Long; thence running in a southeasterly direction to the railroad, taking in the house of Eber Long and Robert Davis; thence in a northeasterly direction to the south corner of George Dingles' lot, crossing the main road at that place;

Limits of the town of Frankford.

OF CITIES AND TOWNS.

thence north seventy-five degrees east across the lands of Mrs. A. Hickman to the intersection of the line of Captain D. C. Betts' land; thence northeasterly to the south or southeast corner of Thomas L. Barker's lands; thence in a northwesterly direction to the intersection of the public road between lands of George Gray and Benjamin Gray; thence in a northwesterly direction to a tenant house of Joshua J. Derickson; thence in a westerly direction to two small gum trees between the lands of Joseph Cary and Sallie Cannon, and thence home to the place of beginning. The Council of the Town of Frankford, to be chosen as hereinafter provided, shall hereafter, with the assistance of a sworn surveyor, cause a resurvey and plot to be made of the said town as hereinbefore located, with such changes as they may deem proper, together with the streets, alleys, lanes and sidewalks; and the said plot, when so made and approved by the said council, shall be recorded in the Recorder's office in and for Sussex county, and shall be evidence in all courts of law and equity in this State.

Plot and resurvey.

Where recorded.
Evidence.

Council.
How composed.

President.
Term of his office.

Election for councilmen.
When and where held.

Term of office.

President.
Term of his office.

Qualification of councilmen.

Opening and closing of elections.
Who entitled to vote.

SECTION 2. There shall be a Council of the Town of Frankford to be composed of nine members, one of whom shall by said council be elected President of said council for the term of one year, and until his successor shall be elected. That an election shall be held in Frankford, Sussex county, on the second Saturday of April next after the passage of this act, at the free school house in said town, for nine councilmen, three of whom shall be elected for one year, three for two years and three for three years, and annually thereafter an election shall be held for three councilmen to succeed those whose term of office will expire. The councilmen shall be elected for the term of three years, and until their successors shall be duly elected, and the president of the council shall be elected from the board of council for the term of one year and until his successor shall be duly elected, but any councilman or the president may be re-elected. The councilmen shall be resident freeholders of the Town of Frankford at the time of their election, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a member of said council or the president of said council, although he may not be the owner, in his own right, of any real estate within said town. The election shall be opened at one o'clock, P. M., and close at four o'clock, P. M. At such election every free male citizen residing in said town, who shall be of the age of twenty-one years, and shall have

OF CITIES AND TOWNS.

paid the town tax last assessed to him, shall have the right to vote. Immediately after the election shall be closed the vote shall be counted, and the person or persons, as the case may be, resident in said town, having the highest number of votes shall be elected. The first election, on the second Saturday in April next, shall be held by the justice of the peace residing in Frankford or adjacent thereto, who shall, in all respects, conduct said election, and make and deliver certificates to councilmen elected, and swear in the same, as fully as the alderman and his assistants who are hereinafter empowered to hold all subsequent annual elections, and all annual elections thereafter shall be held by the alderman and two of the six members of council who hold over, to be chosen by the council at a previous meeting to be held during the month of February. The alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed the alderman, or one of the assistants, shall draw said ballots out of the box, open and read out the same and pass the same over to one of the said assistants for his inspection, while the third election officer shall tally the votes. In case of a tie of persons voted for for councilmen, the alderman shall give the casting vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to each councilman-elect, with a notice of the time and place of the next meeting of the town council. Before entering upon the duties of their respective offices the councilmen-elect shall be sworn in at said meeting, or any subsequent meeting, by the alderman or one of the councilmen holding over. If at any election the alderman, or any of the persons whose duty it is to hold said election, should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the alderman or absent persons. A minute of each election, containing the names of the councilmen-elect, shall be entered immediately after said election in a book provided for that purpose, and subscribed by the persons holding said election. Said book shall be preserved by the town council, and shall be evidence. If any vacancy shall occur in the said council by the death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining councilmen shall have power to fill such vacancy or vacancies for the residue of the whole

Votes
counted.By whom
election
shall be held

Ballots.

Poll list.

Inspection
of tickets.Who shall
decide when
tie.Certificates
of election
Notice of
meeting.Councilmen
sworn.Vacancies.
How filled.Minutes of
election.

OF CITIES AND TOWNS.

term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected.

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| Election of Alderman. | SECTION 3. The town council, at the meeting after each annual election as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, some suitable person, resident in said town, to be alderman of the town of Frankford, who may or may not be a justice of the |
| Term of his office. | peace, resident in said town, to serve as such for the term of one year, or until his successor shall be duly elected; subject, |
| Removal. | however, to be removed from office at any time by a vote of two-thirds of all the members composing the town council. |
| Oath of office. | Before entering upon the duties of his office, he shall be sworn or affirmed by the president of the town council, or by any one of the councilmen, to perform the duties of his office |
| His duties and powers. | honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all the orders and directions of the town council made in pursuance of any law of this State, or of any ordinance that the said town council may legally make and establish. He shall have all the powers of the justice of the peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town, so far as to arrest and hold to bail or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State, or by any ordinance of the town council regularly passed and established for the government of the town, and also all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town or to execute or obey any law or ordinance thereof. <i>Provided</i> that he shall not impose any fine exceeding twenty-five dollars or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs. |
| Proviso. | |
| Fees. | His fees for any services under this section shall be the same as those of a justice of the peace for a like service, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the town council. |
| Vacancies in alderman's office how filled. | If any vacancy shall occur in the office of alderman of the town of Frankford by death, resignation, removal from office or otherwise, such vacancy may be supplied by the town council, at a meeting thereof, for the residue of the term. If |
| His duties concerning successor. | any alderman shall be removed from his office by the town council, as hereinbefore provided, he shall deliver to his |

OF CITIES AND TOWNS.

successor in office, within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands belonging to the town within five days after his removal. Upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

Penalty for neglect of such duty.

Misdemeanor and fine.

SECTION 4. The alderman shall, at every stated meeting of the town council, report to the council all fines and penalties imposed by him during the preceding quarter, and pay to the treasurer of the town of Frankford all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Monthly report of alderman.

SECTION 5. The duties of the President of Council shall be to preside at the meetings of council, have the general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the town council, receive complaints of nuisances, and other complaints of citizens of violation of laws and ordinances, and present the same to the council at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Frankford, which by Section 1 of Chapter 51 of the Revised Code a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

Duties of president of council.

SECTION 6. The Councilmen and the President of Council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and

Incorporated.

OF CITIES AND TOWNS.

Powers. shall be able and capable to sue and be sued, plead and be impleaded, in courts of law and equity in this State, by the

Name. corporate name of "The Town of Frankford;" and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold and enjoy lands tenements and hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and may alien, grant, devise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this act. The president and councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open or hereafter to be opened within the limits of said town; and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex county, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than two hundred and fifty dollars, and shall make an order for the payment thereof to the treasurer of the town of Frankford for the use of said town.

Power to hold real estate.

Superintendence of streets, etc.

Appropriations by Levy Court for use of streets.

Location of new streets, etc. SECTION 7. The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open, or widen, any new street or streets, lane or lanes, alley or alleys, or widen any street, lane, or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town, upon warrants drawn upon him by order of the council aforesaid.

Reopening of old streets, etc.

Compensation for damages. By whom and how paid.

Notice to owners of real estate. SECTION 8. Whenever the town council shall have determined to locate and lay out, or widen any street, lane, or alley, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane, or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane, or alley may run, of their determination to open and

OF CITIES AND TOWNS.

widen the same, and to furnish a general description of the location thereof, also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of the compensation or damages allowed by the town council as aforesaid, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect to the president of said council. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten day's notice to said president of council, make written application to the Associate Judge of the Superior Court of this State, resident in Sussex county, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said associate judge shall issue a commission, under his hand, directed to five freeholders of the said county, three of whom shall be residents of said town of Frankford and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane, or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the associate judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said town council, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the town during the said period of one month, then the same may be deposited, to his or her credit, in the Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and

Notice to
tenant.
How given.

Appoint-
ment of com-
missioners.

Qualifica-
tion of com-
missioners.

Assessment
of damages.
Return of
freeholders.

Power to fill
vacancies in
commission.

Payment of
damages.

When de-
posited in
bank.

OF CITIES AND TOWNS.

By whom costs of appeal shall be paid. assessment of damages by freeholders appointed by the associate judge aforesaid, if the damages shall be increased the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town; but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders, the town council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

Fees of freeholders.

Prosecution of improvements.

SECTION 9. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances; to ascertain and fix boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing wherever in their opinion such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar-doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible material, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alter-

Nuisances, diseases, etc.

Extent of jurisdiction. Ordinances defining, and for the removal of nuisances. Boundaries.

Grades of streets, etc.

Paving and graveling.

Storage of gunpowder, etc.

Breadth of footways.

Changing of grade.

OF CITIES AND TOWNS.

ation or change is proposed to be made, and upon such petition the town council shall have the option to make such change or alteration, or not. The town council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and may impose an annual tax not exceeding fifty cents on every male dog, or one dollar on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.

Ordinances
in relation to
dogs.

Fines for
enforcement
of ordi-
nances.

Surveys and
plots.

SECTION 10. Whenever the said town council shall have determined that any paving and curbing, or any or either or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expense of such paving, graveling and curbing; if such owner or owners be not resident in the town of Frankford, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said town of Frankford, such bill may be sent by mail to such owner or owners, directed to him or them at the post-office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the town of Frankford, under the hand of the president of the town council and the seal of the said corporation, directed to the treasurer of the town of Frankford, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount

Owners of
real estate
notified.

Penalty for
failure to
comply with
notice.

Warrant for
collection of
costs upon
non-pay-
ment.
How issued.

To whom
directed.

OF CITIES AND TOWNS.

of the said bill, together with all costs. It shall be the duty of the treasurer of the town of Frankford, as soon as convenient after the said warrant shall be delivered to him, and after ten day's notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Frankford, at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said town of Frankford, after ten day's notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places in the town of Frankford, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said town of Frankford (or if there be no newspaper printed in the said town of Frankford, then in a newspaper printed anywhere in Sussex county), to sell the lands or tenements of such owner or owners in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the treasurer of the said town of Frankford shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of said town, of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real

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| Time of sale | |
| Amount necessary. | |
| When lands shall be sold. | |
| Notice. Time and place of sale. | |
| Publication. | |
| Amount of land to be sold. | |
| Deed. | |
| Title. | |
| Claim for paving, etc. | |
| Costs. By whom and how paid. | |
| Deposit of residue. | |
| Fees of treasurer. | |

OF CITIES AND TOWNS.

estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the costs, to be paid out of the purchase money as aforesaid. Any notice required by this section to one co-owner shall be notice to all; and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner, or occupier, or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post-office nearest his or her place of residence. The provisions hereinbefore contained in this section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb, heretofore made or done, which the said council may deem insufficient or to need repairing. The said council, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall in the judgment of said council be necessary and proper.

What costs shall include

Notice. When served on tenant.

When mailed.

To what foregoing provisions apply.

Power of council.

SECTION 11. The town council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any stated meeting. There shall be four stated meetings in every year of the said council, to wit: on the first Saturday in March, June, September and December. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violation of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid, may be collected before the alderman of said town, or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding thirty days.

Further power.

Stated meetings, time of

Powers.

Commitment for non payment of fines.

SECTION 12. The council of said town may appoint such number of town constables as shall be deemed necessary, who with the constable of Sussex county residing in said town shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place

Constables.

Removal.

OF CITIES AND TOWNS.

of those removed, if it shall be deemed necessary to make such appointments.

Annual
statements.

Accounts
submitted to
voters.

Fees of
councilmen.

SECTION 13. The council of said town shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town, but if there be no newspaper printed in said town, it shall be the duty of said council to submit their book of accounts containing the amounts received and paid out during each year to the voters of said town at their regular March meeting for inspection, revision and approval. The said councilmen shall be allowed for their attendance at each of said stated meetings a sum not exceeding one dollar.

Council to
make ordi-
nances con-
cerning
streets.

Fine for
violation.

How
recovered.

SECTION 14. The council of said town shall have power and authority to make such regulations and enact such ordinances relative to the traveling over and upon the streets, lanes, or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages, or other vehicles, or obstructions, in and upon the public square, or any of said streets, lanes, alleys, or sidewalks. The town council shall also have power to enact ordinances in relation to and to prevent any horse, mare, colt, mule, cattle, sheep, swine and geese from running at large within the limits of the town, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof; and if any person shall violate the regulations and ordinances of the said council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered, with costs, by the treasurer of said town in the name of the Town of Frankford, before the alderman of said town, or before any justice of the peace residing in said town, in the same manner as debts of like amount are recoverable by law.

Jail to be
used by
town
council.

Duty of
keeper of
jail.

SECTION 15. It shall and may be lawful for the council of said town to use the jail of Sussex county for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinances or regulations adopted under the provisions of this act; and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

SECTION 16. The council of said town shall have the

OF CITIES AND TOWNS.

power and authority to use the money in the treasury of the said town or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determinations of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled, as hereinbefore provided, shall have the same power and authority as the whole.

Power of council to make improvements.

A majority necessary to make acts legal.

Vacancies. How filled.

SECTION 17. It shall be the duty of the alderman of said town, and council of said town, and of the constable of Sussex county residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or about any buildings used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever; to prevent all gatherings whatsoever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending, and carry him or them before the alderman of said town, whose duty it shall be to hear and determine the case, and, upon conviction before him, the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any one of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If, upon view of the person or persons who may be brought before the

Duty of town officers

Duty of constables.

Duty of alderman.

Fine and imprisonment.

Alderman's duty to issue warrant. When.

Constable to arrest drunken or disorderly persons

Sentence.

Proceedings

OF CITIES AND TOWNS.

alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. *Provided* the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Frankford.

Fees.

Proviso.
Town to pay
board of
prisoners.

Fireworks,
etc., pro-
hibited.

Fines.

SECTION 18. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Nuisances
and obstruc-
tions abated
and removed

Notice.
By whom
given.

SECTION 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square or in the streets, lanes, or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves, or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for

OF CITIES AND TOWNS.

its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstructions or nuisance to be removed or abated, and for this purpose the council of said town may issue a warrant in the name of the town of Frankford, under the hand of the president of the council and the seal of the said corporation, and directed to any constable of the town of Frankford, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Frankford, and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper, and do and perform all matters and things, right and proper to be done for the removal of such obstructions or the abatement of such nuisance. The cost and damages of all the proceedings shall be determined and adjudged by the council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill, stating the amount of such cost and damages, shall have been presented to such person. Then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town, in the same manner as is provided in Section 10 of this act for the collection of the expenses of any paving, graveling, &c.; and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said section ten of this act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town, for the use of the town, the sum of five dollars, and one dollar addi-

Council to
issue war-
rant.

To whom
directed.

Constable
to abate
nuisance.

Authority of
constables.

Costs and
damages.

How col-
lected.

Treasurer
no power to
sell lands
and tenement.

Additional
costs.

OF CITIES AND TOWNS.

alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. *Provided* the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Frankford.

Fees.

Proviso.
Town to pay
board of
prisoners.

Fireworks,
etc., pro-
hibited.

Fines.

SECTION 18. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Nuisances
and obstruc-
tions abated
and removed

Notice.
By whom
given.

SECTION 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square or in the streets, lanes, or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves, or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for

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its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstructions or nuisance to be removed or abated, and for this purpose the council of said town may issue a warrant in the name of the town of Frankford, under the hand of the president of the council and the seal of the said corporation, and directed to any constable of the town of Frankford, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Frankford, and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper, and do and perform all matters and things, right and proper to be done for the removal of such obstructions or the abatement of such nuisance. The cost and damages of all the proceedings shall be determined and adjudged by the council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill, stating the amount of such cost and damages, shall have been presented to such person. Then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town, in the same manner as is provided in Section 10 of this act for the collection of the expenses of any paving, graveling, &c.; and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said section ten of this act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town, for the use of the town, the sum of five dollars, and one dollar addi-

Council to
issue war-
rant.

To whom
directed.

Constable
to abate
nuisance.

Authority of
constables.

Costs and
damages.

How col-
lected.

Treasurer
no power to
sell lands
and ten-
ements.

Additional
costs.

OF CITIES AND TOWNS.

tional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two day's notice as aforesaid, to be recovered, with cost of suit, in the name of the town of Frankford, before the alderman of said town, or any justice of the peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment, the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two day's notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not removed or abated, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, shall exceed one hundred dollars, the case shall not be cognizable before the alderman or a justice of the peace, but in such case suit, in the name of the town of Frankford, may be brought in the Superior Court of the State of Delaware in and for Sussex county. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Recovery of same.

Time to be computed and included

Further costs.

When not cognizable before alderman, where suit may be brought.

Misdemeanor.

Fine and imprisonment.

Election of officers.

Term.

SECTION 20. If any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the Grand Jury of Sussex county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned, at the discretion of the court, for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

SECTION 21. It shall be the duty of the council of said town, as soon as conveniently may be after the election of members of said council on the second Saturday in April after the passage of this act, and after each annual election of members in every year, as hereinbefore provided, to elect, by ballot, a treasurer, clerk, and assessor for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The treasurer and clerk may or may not be the same person. The assessor shall be a freeholder, resident in said town, and may or may not be a member of said council. The said council shall also have

OF CITIES AND TOWNS.

authority to elect, by ballot, a collector of taxes in any year ^{Collector.} they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed ^{Treasurer sworn.} faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the president of said council or by any member thereof, or by any justice of the peace or notary public. He shall, also, before entering upon the duties of ^{Bond.} his office, give bond to the town of Frankford, with sufficient ^{Sureties.} surety, to be approved by the council of said town, in the penal sum of double the amount of what may be likely to come into his hands conditioned for the faithful discharge ^{Conditions.} of the duties of his said office, and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment ^{Warrant of attorney.} for said penalty. The said treasurer shall pay all orders ^{Orders, how drawn and paid.} drawn on him by order of said council and signed by the president thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the ^{Settlement of accounts.} said council annually in the month of February, and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of ^{Treasurer to collect taxes.} taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, clerk and assessor of said town shall each receive a reasonable ^{Compensation.} compensation for their services, to be determined by the council of said town. ^{Proviso.} *Provided* the compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per cent. on the taxes collected by him.

SECTION 22. It shall be the duty of the assessor of said ^{Duties of assessor.} town annually to make a true, just, and impartial valuation and assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as

OF CITIES AND TOWNS.

those not owning real estate within the limits of said town, and also the personal property of such citizens subject to county assessment and taxation. The said assessor shall make such assessment and return the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall assess the real estate and person and taxable personal property of the assessor. The council of said town shall, within five days next after receiving said assessment list, cause a full and complete transcript of said assessment list to be hung up in the post-office in said town, there to remain for the space of ten days thereafter for public inspection, and the said council shall, on the Saturday next after the expiration of the said ten days, hold a court of appeal which shall continue open from one o'clock P. M. till four o'clock P. M. of said day, when they shall hear and determine appeals from the said assessment, and may make correction of, addition to, or alteration in the said assessment. Notice of the hanging up of the said assessment list, and also at the same time notice of the time and place of hearing appeals shall be given by posting such notice in at least six public places in said town of Frankford. The determination of the council of said town upon any appeal or upon any matter relating to such assessment shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any justice of the peace or notary public.

SECTION 23. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, which sum shall in no year exceed two hundred dollars, clear of dog tax and all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of April, or as soon thereafter as convenient,

Return of
assessment
to council.

Assessment
list to be
hung up.
Where.
How long.

Court of
Appeals.

Proceedings

Notice.

Determina-
tion final.

Taxes, how
levied.

Assessor
sworn.

By whom.

Taxes not to
exceed two
hundred
dollars.

OF CITIES AND TOWNS.

cause to be delivered to the collector of taxes, if there be one elected by the council of said town in said year, or if there be none to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and assessable personal property and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, and in collecting the same, shall have all the powers conferred by law on the collectors of the county rates and levies by the provisions of Chapter 12 of the Revised Code of 1852. In the collection of said taxes, the council of said town shall have the power and authority to order the collector of taxes, or if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of July in any year following the assessment of the same. The collector of taxes, before entering upon the duties of his office, shall give bond to the town of Frankford, with sufficient surety, to be approved by the council of said town, in the penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the council and treasurer of said town in the month of February next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town; *provided* that he shall not receive more than eight per cent. on the taxes collected by him. The council shall have power to make just allowances for delinquencies in the collection of taxes.

List of
assessment.Collector's
and treasurer's
powers
in collection
of taxes.Powers of
council.

Bond.

Surety.

Condition.

Warrant of
attorney.

Compensation.

Proviso.

SECTION 24. This act shall be deemed and taken to be a public act.

Passed at Dover, March 1, 1883.

OF CITIES AND TOWNS.

CHAPTER 181.

OF CITIES AND TOWNS.

AN ACT to further amend Chapter 480, Vol. 13th of the Laws of the State of Delaware.

Sections 16
and 10, of
Chapter 480,
Volume 13,
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein),* That Chapter 480, Volume 13, Part 3, of the Laws of the State of Delaware, entitled "An act to incorporate the Town of Harrington," be and the same is hereby amended by striking out the words "eight hundred and fifty," in lines 8, 9, 10, 11 and 13 of Section 16 of said act, and by inserting in lieu thereof the words "twenty-six hundred and forty."

SECTION 2. *Be it further enacted,* That Section 10, in line 12, be and the same is hereby amended by striking out the words "one hundred" and inserting in lieu thereof "two hundred."

Farm lands
or buildings
exempt from
taxation.

SECTION 3. That no farm lands or farm building within the extended lines of said town be taxed for town purposes unless laid out in building lots.

Passed at Dover, March 9, 1883.

CHAPTER 182.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to incorporate the Town of Middletown."

Section 4,
Chapter 36,
Volume 12,
amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each house concurring), That the act entitled "An act to incorporate the town of Middletown," passed

OF CITIES AND TOWNS.

at Dover, February 12th, 1861, be and the same is hereby amended, to wit: by striking out Section 4 of said act and inserting in lieu thereof the following in and for said section:

"SECTION 1. That the commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets now opened or hereafter to be opened within the limits of said town, and no overseer for any of said roads or streets shall be appointed by any other authority than the said commissioners. For each day's actual service on said roads and streets the said commissioners shall severally receive and be allowed one dollar, and for each half day's service fifty cents; but no compensation shall be allowed for any fraction less than a half day. That the Road Commissioners of St. George's hundred, New Castle county, be and they are hereby directed to appropriate annually the sum of six hundred dollars out of the road taxes of said hundred and pay over the same to the commissioners of said town (in lieu of any and all other sums granted from said service), to be by the said commissioners expended in repairing and maintaining in proper order the roads, streets and bridges within the limits of said town; which sum so appropriated shall be so expended for that purpose and no other, and shall so show in an exhibit of disbursements to be printed annually by said commissioners."

Commissioners shall superintend roads and streets within certain limits.

Compensation.

Annual appropriation out of road taxes to be paid to town commissioners for repairs, etc., of roads, bridges, and streets of said town.

Commissioners shall print annually an exhibit of disbursements.

Passed at Dover, March 12, 1883.

CHAPTER 183.

OF CITIES AND TOWNS.

AN ACT to further amend Chapter 152, Volume 15, Laws of Delaware, entitled "An act to incorporate the City of New Castle."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That from and after the next election of city officers for the City of New Castle, to be held on the second

Chapter 152, Volume 15 amended.

OF CITIES AND TOWNS.

Mayor.
Term of
office three
years.

Tuesday of April, A. D. 1883, the mayor of said city shall hold office for and during the term of three years, instead of one year, as is now provided by the act of which this is amendatory, and everything in said act inconsistent with this act is hereby repealed.

Passed at Dover, March 14, 1883.

CHAPTER 184.

OF CITIES AND TOWNS.

AN ACT to supplement and amend Chapter 114, Volume 14 of the Laws of Delaware, entitled "An act to incorporate the Town of Lewes, and for other purposes," as amended by Chapter 535, and republished in Chapter 536 of the same volume.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Chapter 114,
Volume 14,
as amended
by Chapter
535, same
volume,
amended.

SECTION 1. That Section one of Chapter 114, Volume 14 of the Laws of Delaware, as amended by Chapter 535, and as republished in Chapter 536 of the same volume, be and the same is hereby amended by striking out the word "five" in the eighth line of said section, as republished as aforesaid, and by inserting after the word "town," in the fourteenth line, and before the word "the" in the same line, as republished as aforesaid, the words following, to wit: "And at the annual election in 1884 the said commissioners shall be elected as follows: four persons shall be elected to serve for the term of one year, four persons for the term of two years, and four persons for the term of three years; and on the first Saturday of January annually thereafter four persons shall be elected to serve for the term of three years as commissioners. The treasurer and assessor shall be elected as heretofore, to serve for one year."

SECTION 2. That the said section one of the said act be and the same is hereby further amended by striking out all of said section between the word "notary," in the thirty-second line, and the word "immediately," in the forty-first line of

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said section, as republished as aforesaid, and inserting in lieu thereof the words following, to wit: "L. W. Waples, Robert Arnell and James C. Beebe are hereby appointed auditors to audit the accounts of the commissioners and treasurer for the year 1883; and hereafter, at every annual election for commissioners, three persons shall be elected to serve as auditors for the year ensuing. The commissioners shall prepare a full and clear statement of all the receipts and expenditures, the indebtedness of the town, the money in hand, or due the town, the amount of taxes levied on real estate, persons and property, sales of marsh lots, delinquents allowed and taxes due, and submit the same to the auditors aforesaid not earlier than the tenth nor later than the fifteenth day of December in each and every year. It shall be the duty of the said auditors to thoroughly examine the same, and for that purpose they shall have free access to all the books, papers and vouchers of the said commissioners and treasurer. The auditors shall publish the said statement, together with their report thereon, in a newspaper printed in the county, or by circulars, at least ten days before the annual election. The cost of such publication shall be paid out of the funds of the town. Any vacancy or vacancies that may occur in the office of auditor by reason of death, resignation, refusal to serve, or otherwise, may be filled by the remaining auditors or auditor. Each of the said auditors shall receive as compensation for his services the sum of one dollar, to be paid out of the funds of the town."

Auditors appointed.

Term of office.

Commissioners' statement, contents.

Submit to auditors. When.

Duty of auditors.

Report of auditors to be published

Vacancies. How filled.

Compensation.

SECTION 3. That Section 18 of the said act, as republished as aforesaid, be and the same is hereby amended by striking out the words "five hundred" in the third line of said section, and inserting in lieu thereof the words "one hundred and fifty," and by adding at the end of said section the words following, to wit: "No appropriation shall be made, or indebtedness incurred, by the said commissioners, in any one year, in excess of the taxes, rents and receipts of the corporation for the year then current."

Section 18 amended.

SECTION 4. The commissioners shall cause the survey and plot of the town of Lewes, as now existing and in their hands, made in accordance with the provisions of Section two of Chapter 535 of Volume 14, Laws of Delaware, to be recorded in the office of the Recorder at Georgetown, and the said Recorder is hereby authorized to record the same. The original, as also the record, or a certified copy thereof, shall

Survey and plot to be recorded.

Evidence.

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be evidence. The public ditches of the town now open and covered, or hereafter to be opened or covered, shall be invested in and under the control of, and shall not be leased, or the control thereof be diverted from the town commissioners.

SECTION 5. Nothing herein contained shall repeal or affect the provisions of Chapter 159 of Volume 15 of the Laws of Delaware, or the amendments thereto, but the taxes shall be levied and collected for the purpose therein mentioned as heretofore.

SECTION 6. This act shall be deemed and taken to be a public act.

Passed at Dover, March 15, 1883.

CHAPTER 185.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to incorporate the Town of Milford," passed February 25, 1867.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 176,
Volume 13,
amended.

SECTION 1. That Section one of the act entitled "An act to incorporate the town of Milford," passed February 25, 1867, be and the same is hereby amended by striking out, in fifth and sixth lines of said section, the words "at the place where the general elections are now held," and insert in lieu thereof the words "in the front room of the building known as the lockup or jail."

Election.
Where held.

Passed at Dover, March 19, 1883.

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CHAPTER 186.

OF CITIES AND TOWNS.

AN ACT to authorize the Town Council of the Town of Dover to Borrow Two Thousand Dollars (\$2,000) for the Benefit of the Dover Water Works.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows, to wit:

SECTION 1. That the town council of the town of Dover be and the same are hereby vested with full power and authority to borrow, upon the faith and credit of the town, the sum of two thousand dollars (\$2,000), to be applied and expended by the said town council for the benefit of the water works in said town. The money borrowed under the provisions of this act being intended to supply the deficiency in the water fund caused by the sale of the bonds issued for the construction of said water works at less than their face value and by certain necessary additions to the said water works not included in the contract for the construction of the same.

Authority to borrow \$2,000 for benefit of water works

Purposes of the loan.

SECTION 2. That the said town council be and the same are hereby authorized and empowered to issue certificates of indebtedness to secure the repayment of the said two thousand dollars, and such certificates of indebtedness shall be made payable, with the interest thereon, within five years from the date thereof, and at such time or times as the said town council shall by ordinance provide, and shall bear interest at the rate of six per cent. (6) per annum from the date thereof, said interest to be payable semi-annually. And that the said town council, in making their annual appropriations for the support of the water works and payment of the water bonds and interest thereon, be and the same are hereby authorized and required to include therein the interest on said certificates of indebtedness and every portion or installment of said certificates which may be payable in the fiscal year for which such appropriations are made.

Certificates of indebtedness to secure amount borrowed. When payable. Interest 6 per ct.

Annual appropriations to include said certificates and interest due.

Passed at Dover, March 20, 1883.

OF CITIES AND TOWNS.

CHAPTER 187.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "A supplement to the act entitled 'An act to incorporate the Town of Milford,'" passed March 29, 1871.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Section 3,
Chapter 123,
Volume 14,
amended.

SECTION 1. That Section 3 of the act entitled "A supplement to the act entitled 'An act to incorporate the town of Milford,'" passed March 29, 1871, be and the same is hereby amended by striking out the words "two of whom on either side shall be residents and freeholders thereof," in the twelfth and thirteenth lines of said section, and inserting in lieu thereof the words following, to wit: "all of whom shall be residents within the corporate limits of said town and bona fide freeholders thereof for not less than thirty days next preceding their election."

SECTION 2. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, made null and void.

Passed at Dover, March 23, 1883.

CHAPTER 188.

OF CITIES AND TOWNS.

A SUPPLEMENT to the act entitled "An act to reincorporate the Town of Dover," passed February 27th, 1879.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each [branch] of the Legislature concurring therein):

Supplement
to Chapter
107, Vol. 16.

SECTION 1. That at the annual election held on the first Monday in March in each and every year for the purpose of electing a president and four members of the town council,

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according to the provisions of the act to which this is a supplement, there shall also be voted for and elected in like manner an assessor, who shall be an inhabitant and a freeholder of the town of Dover, and shall not be a member of the town council during the year of his service as assessor. He shall discharge the duties now required of that officer by the provisions of the aforesaid act, but before entering upon the discharge of said duties he shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by any judge, justice of the peace, or notary public, and a copy of said oath or affirmation shall be filed with the clerk of the council and the fact of such filing entered upon the minutes.

Annual election of assessor.

Qualification.

Duties.

Oath. By whom administered.

Copy of oath filed with clerk of council.

SECTION 2. The town council may fix the sum to be assessed upon each and every male citizen residing in said town above the age of twenty-one years as well those owning as those not owning real estate within the limits of said town; but the sum so to be fixed shall be one and the same for every class and description of said citizens, and shall not exceed the sum of nine hundred dollars.

Assessment. Poll tax.

Not to exceed \$900.

SECTION 3. The town council are hereby authorized and empowered to levy and collect from the taxables of said town, according to the terms and provisions of the aforesaid act to which this is a supplement, such sum as may be deemed by them necessary to carry out the provisions of said act, which sum shall in no year exceed four thousand dollars, clear of all delinquencies and expenses of collection, in lieu of twenty-five hundred dollars now authorized and limited by law. *Provided nevertheless*, that the citizens of the town may assemble in town meeting annually on the evening of the third Monday in March, to determine whether any additional sum or sums shall be levied and collected for any specific purpose or purposes, notice of which meeting, the place of meeting, and the special purpose or purposes for which said additional sum or sums are desired having been published by the town council, or by any taxable of the town, in the newspapers of the town twice immediately preceeding the time of said meeting. At said meeting a resolution or resolutions shall be prepared, stating explicitly the additional sum or sums needed or desired, and the specific purpose or purposes to which the said sum or sums shall be applied. The qualified voters of the town shall then proceed to vote yea or nay, by ballot,

Taxes not to exceed \$4,000.

Proviso.

Citizens may determine as to additional taxes at annual meeting.

Notice.

Resolutions to be submitted to meeting. Contents. Voting.

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upon said resolution or resolutions, and the result shall be certified to the town council, and if a majority of those voting shall approve of said resolution or resolutions, then the town council shall levy and collect said additional sum or sums, and apply the same to the purpose or purposes specified, and not otherwise. The said town meeting may vote as above provided, or adjourn to some subsequent meeting to be held in the said month of March.

Result to be certified to council.

When additional taxes may be levied.

SECTION 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Passed at Dover, March 27, 1883.

CHAPTER 189.

OF CITIES AND TOWNS.

A SUPPLEMENT to an act entitled "An act to incorporate the Town of Middletown," passed at Dover, Feb'y 12th, 1861.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

SECTION 1. That the town commissioners of the town of Middletown shall have power and authority, under an ordinance to be passed with the concurrence of two-thirds of the members of the board of commissioners for the time being, to borrow a sum or sums of money not exceeding in the aggregate five thousand dollars, and which shall be appropriated, applied and expended for the purpose of supplying the said town with water and for the purchase of apparatus for extinguishing fires; and may issue bonds therefor at a rate of interest not exceeding six per cent. per annum. The principal of said bonds shall be made payable at such time or times, not exceeding ten years from their date, and in such manner as the ordinance shall prescribe, and shall not be subject to taxation for state, county, municipal, or local purposes.

Commissioners authorized to borrow \$5000

Purposes of loan.

Bonds. When payable.

Not liable to taxation.

SECTION 2. Whenever it shall become necessary in the opinion of the board of town commissioners aforesaid to

OF CITIES AND TOWNS.

procure any land for the purpose of digging wells, erecting water works, constructing basins, or reservoirs, or any other matter essential to supplying the said town with water, and such land cannot be procured by agreement between the owner thereof and said commissioners, it shall and may be lawful for the said commissioners to condemn such land for the purpose or purposes aforesaid in manner following, to wit: The owner of such land shall choose two disinterested freeholders of New Castle county and the said commissioners shall choose two other such freeholders, the four persons so chosen shall choose one other such freeholder. The five freeholders so chosen shall go upon and view the said land, first being duly sworn or affirmed to make a true and just award of damages in the premises, and shall certify their award of damages so made, under their, or a majority of their hands and seals, to the said owner and to the said board of commissioners. Such award shall be final and conclusive, and upon the payment of the damages so awarded shall vest the said lands in the said board of commissioners for the purpose or purposes aforesaid forever. In case the owner of such land shall neglect or refuse to choose two freeholders, after thirty day's notice given by said commissioners, or shall be incapable, for any reason, to make such choice, the Associate Judge of the Superior Court residing in New Castle county shall, upon application, appoint three freeholders as aforesaid, which freeholders, with the two chosen as aforesaid by the said commissioners, shall have all the power and authority and shall perform the duties conferred upon and required of the freeholders otherwise chosen as aforesaid. The deposit, by the said commissioners, of the amount of damages awarded as aforesaid in the Citizens' National Bank of Middletown, Delaware, to the credit of the owner of the land as aforesaid, shall be deemed and taken to be a sufficient payment of such damages.

Commissioners power to condemn land for certain purposes.

Manner of condemnation.

Award of damages. Certificate. To whom.

Award conclusive.

Title.

Neglect to choose freeholders associate judge of county may appoint

Deposit in bank of damages.

Payment.

Passed at Dover, March 29, 1883.

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CHAPTER 190.

OF CITIES AND TOWNS.

AN ACT to amend Section One, Chapter One Hundred and Seven,
Volume Sixteen of the Laws of Delaware.

Section 1,
Chapter 107,
Volume 16,
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring),* That the words "for five years," in the proviso to said section, be stricken out.

Passed at Dover, April 10, 1883.

CHAPTER 191.

OF CITIES AND TOWNS.

AN ACT to amend an act to incorporate the Town of Newport, passed
April 7, 1873.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Chapter 539,
Volume 14,
amended.

Commissioners.

Term of office.

SECTION 1. That the same is hereby amended by striking out in Section 1, line 21, the words "is a taxable of said town," and inserting in lieu thereof the words "shall have paid the town tax last assessed to him;" and in line 27 of Section 1 by striking out the words "one year or," and insert after the word "elected," in the same line, the following: "On the day following said election the commissioners-elect shall meet at the office of the present town commissioners and choose, by lot, three of their number to serve for one year, and two of their number to serve for two years, or until their successors are duly elected; and yearly thereafter an election shall be held at the time and in the manner aforesaid to choose three, or two commissioners, as the case may be, to serve for two years." And also, in Section 11, line 15, by striking out the words "in one hotel," between the words "place" and "in;" and also, in same section, in lines

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19 and 20, by striking out the words "from 9 o'clock until 12 M. and". That Section 12, line 5, shall be and the same is hereby amended by striking out the words "or as soon thereafter as convenient." And also, said act shall be further amended in Section 13, line 2, by striking out the words "are hereby authorized to," and place in lieu thereof the word "shall." And said act shall be and the same is hereby further amended by striking out the whole of Section 18 of said act and inserting in lieu thereof the following, as
and for said section: "That if any commissioner, assessor, or treasurer, after being duly elected, shall neglect or refuse to perform the duties of such commissioner, assessor, or treasurer, he shall forfeit and pay, for the use of said town, the sum of ten dollars, and the same shall be recovered before any justice of the peace for New Castle county, with costs. Any commissioner, treasurer, or assessor failing or neglecting to become qualified for the duties of his office on or before the first annual meeting in May shall be passed by and his election declared void. And it shall be the duty of the commissioners of the said town annually, on the third Saturday of March next ensuing their election, to make annually, or each and every year, a complete statement of the financial condition of the treasury of said town, stating what moneys have been received, and whether such moneys have been disbursed, posting such statement in some public place in said town for the information of the citizens thereof." And further, that Section 20 of said act be amended by striking out the words "exclusive of dog tax," in line 3 of said section. And further, that in any edition or compilation of the laws of the State hereafter published the said act, to which this is an amendment, shall be printed and published as hereby amended in all respects.

Penalty for neglect of such duty.

How recovered.

When election of officers void.

Duty of commissioners.

Passed at Dover, April 10, 1883.

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CHAPTER 192.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Newport, as amended by Chapter 191, Current Volume.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring),*

Election. That an election shall be held in the Town of Newport, New Castle county, on the second Saturday in April next, at the place where the general elections are now held, from 1 o'clock till three in the afternoon, and thereafter on the second Saturday of every April, at such time and place as shall be determined and fixed by the town commissioners, due notice whereof shall be given by the said commissioners at least five days before said subsequent election, for an alderman, five commissioners, an assessor, and treasurer. Three of the said commissioners, and the assessor, and treasurer, shall be freeholders and citizens of said town, and two of said commissioners may be citizens not freeholders of said town. The votes shall be received by a State's justice of the peace in said town, and the result of the balloting for said alderman, commissioners, assessor, and treasurer shall be ascertained by himself and two citizens of said town selected by him to assist in holding said election. At such election every male citizen of said town who shall have attained the age of twenty-one years, and shall have paid the town tax last assessed to him, shall have the right to vote. The justice of the peace and the two citizens aforesaid shall be judges of the election, and shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted, and the persons having the highest number of votes shall be declared duly elected, and shall continue in office until their successors are duly elected. On the day following said election the commissioners elect shall meet at the office of the present town commissioners and choose by lot three of their number to serve for one year, and two of their number to serve for two years, or until their successors are duly elected; and yearly thereafter an election shall be held at the time and in the manner aforesaid to choose three, or two, commissioners, as the case may be, to serve for two years. Immediately after such election the person or persons under whose superintendence the election

When held.

Notice.

Alderman, commissioners, assessor, treasurer.

Eligibility.

Votes received by a justice.

Result. How ascertained.

Qualification of a voter.

Judges.

Who declared elected.

Commissioners.

Term of office.

OF CITIES AND TOWNS.

is held shall enter in a book, to be provided for that purpose, a minute of such election, containing the names of the persons chosen alderman, commissioners, assessor, and treasurer, and shall subscribe the same, and shall give to the alderman, commissioners, assessor, and treasurer elect certificates of their election. The book containing such minutes shall be preserved by the commissioners and shall be evidence.

Minute of election.

Certificates of election.

Minute book evidence.

SECTION 2. *And be it further enacted as aforesaid,* That the commissioners of Newport to be elected as hereinbefore prescribed, and their successors in office, shall be and they are hereby created a body politic and corporate in law, and the said commissioners of Newport, and their successors, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State, by the corporate name of the "Commissioners of Newport," and may have and use a common seal, with such device or devices as they shall think proper, with power to alter and change the same as may be deemed expedient; to purchase, take, hold, receive and enjoy any messuage, lands, tenements or hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient; *provided nevertheless,* that there is hereby reserved to the Legislature the power and authority to repeal this act, or any part thereof, or any other law which may hereafter be enacted respecting the said town.

Incorporation.

Corporate powers.

Proviso.

SECTION 3. *And be it further enacted as aforesaid,* That the limits and bounds of Newport be as follows: Beginning at a point on the west side of Mary street, at low water mark on the north shore of Christiana River, and running in a northerly direction along the west side of Mary street until it intersects a continuous straight line from the northern boundary of Joseph Killgore's land, thence in an easterly direction by said Killgore's line and lines of Alexander Irons, M. D., to the northeast east corner of said Irons' land and Cherry Lane; thence in a southerly direction down said Cherry Lane to the intersection of the Christiana and Wilmington turnpike, thence eastward along said turnpike to the eastern boundary of St. James' Church lands, thence in a southerly direction on a line parallel with Walnut street until it intersects the Christiana River, thence with low water mark on said river to the place of beginning.

Limits and boundaries of the town.

OF CITIES AND TOWNS.

SECTION 4. *And be it further enacted as aforesaid,* That the person elected as alderman aforesaid of said town shall have, within the limits of said town, all the powers, authority, jurisdiction and cognizance of a justice of the peace of and over all breaches of the peace and other offenses within said town, to arrest and hold to bail, or fine and imprison all offenders, and of and over all fines, forfeitures and penalties which may be prescribed by any law of this State, or by ordinances of the town commissioners regularly passed and established for the government of the said town, and of and over all neglects, omissions or defaults of the town bailiff, assessor, or treasurer, or any other person or officer whose duty it may be to collect, receive, pay over, or account for any money belonging to the said town, or to execute or obey any law or ordinance thereof; *provided* that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said alderman shall be the same as are allowed justices of the peace for similar services under the law of this State. It shall be the duty of the alderman to keep a book of record, or docket, to be called the "Alderman's Docket of Newport," to be provided by the commissioners aforesaid, in which all his official acts shall be entered, and he shall, upon expiration of his term of office, deliver over to his successor all the books, papers, &c., pertaining to his office, within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay for the use of said town the sum of twenty dollars, to be recovered before the succeeding alderman or any justice of the peace residing in said town.

Alderman to have the powers of a justice of the peace.

Proviso.

Fees of alderman.

Alderman's docket.

SECTION 5. *And be it further enacted as aforesaid,* That the alderman, commissioners, assessor, and treasurer aforesaid, so elected, shall, before one of the justices of the peace in the said town, be duly qualified, by oath or affirmation, to perform the duties of their offices respectively to the best of their knowledge respectively, and without favor or partiality, and after being so qualified, the said commissioners, at their first meeting after each election, shall choose a president and secretary from their number, who shall continue during their term of office; and if, by death or otherwise, the place of the president or secretary shall become vacant, the commissioners, or a majority of them, at their next meeting thereafter,

Qualification.

President and Secretary.

Vacancies. How filled.

OF CITIES AND TOWNS.

are hereby authorized to fill said vacancy out of their own numbers as aforesaid; and if a vacancy shall occur in the office of alderman, commissioner, or assessor, or treasurer, during the said term of office, by death or otherwise, the said commissioners, or a majority of them, for the time being, at their next meeting thereafter, are hereby authorized to fill said vacancy by appointing an alderman, assessor, commissioner, or treasurer, or either, as the case may be, to fill the unexpired term of said office or offices. All the commissioners shall act, but the decision of a majority shall govern. All shall act, but majority shall govern. The officers so appointed, after being qualified as aforesaid, shall have all power in like manner and be subject to all penalties the same as those duly elected to said office or offices. It shall be the duty of the president chosen as aforesaid to preside at all meetings of said commissioners, and in case of his or the secretary's absence an officer *pro tem.* shall be appointed in his or their place. Duty of President. It shall be the duty of the secretary to record all the proceedings of the said commissioners and keep a correct journal of the same in a book or books provided for the purpose, and also the papers relative to said town, all of which are to be carefully preserved and delivered to his successor in office. President pro tem. Duty of Secretary.

SECTION 6. *And be it further enacted as aforesaid,* That the commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys and gutters now open or hereafter to be opened, and shall have power and authority to cause the streets, lanes, alleys, bridges and gutters in said town to be repaired, regulated, supported, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund to be raised by way of tax upon persons authorized to vote for commissioners by this act, and upon all lands and tenements and interest in such lands and tenements within the limits of said town, to discharge the expenses of repairing the said streets, lanes, alleys, bridges and gutters, or for any other purpose that will contribute to the safety, convenience and prosperity of said town. Superintendence of streets, etc. That the commissioners for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of said town, by petition to them for that purpose, to reopen all streets that have previously been opened, to locate, lay out and open any new street or streets which five or more citizens of said town may desire to be located and laid out and opened, allowing to Fund by tax. Power to reopen streets. New streets.

OF CITIES AND TOWNS.

the persons respectively through or over whose grounds such new street or streets may run such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of moneys of said town on warrant drawn on him by the commissioners aforesaid.

Damages.

Road commissioners to make an apportionment of \$150 That the road commissioners of Christiana hundred be and they are hereby directed to make an apportionment of the road tax of said hundred amounting to the sum of one hundred and fifty dollars for each and every year, to be paid to the commissioners of Newport, to be by them expended in repairing and maintaining in proper order the streets, sidewalks and bridges of said town; and the said commissioners shall have the sole supervision of said streets, sidewalks and bridges; *provided always* that the said commissioners shall in no case be required to repair or keep in order any bridges subject to be supported by the County of New Castle or roads that belong to the Wilmington and Christiana Turnpike Company.

Proviso.

Notice of location of street. SECTION 7. *And be it further enacted as aforesaid,* That whenever the commissioners shall have proceeded to locate and lay out any new street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, to notify, in writing, the owner or owners of the real estate through or over which such new street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners, or some one of them. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to the justice of the peace, oldest in commission, residing within said town, who shall, within three days thereafter, and upon notice to the said commissioners, or some one of them, select and write down on a list the names of twenty-one judicious and impartial

Appeal.

Freeholders. freeholders, nine of whom shall be freeholders of Christiana

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hundred owning no real estate in said town and not residing within its limits, and the remaining twelve shall be freeholders owning real estate in said town and residing within its limits. The said commissioners shall, upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street, and residing in said town, who have notified them of their intention to appeal, of the time and place when and where the said names will be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the said commissioners, shall attend. The appellants, their agent or attorney, shall first strike out one of said names, and the commissioners, their agent or attorney, shall strike out another, until each shall have struck out seven; such striking shall be so confined and regulated as to leave seven remaining freeholders located as follows, viz: four resident in said town and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and commissioners. In case either side, commissioners or appellants, be not represented before the justice, or shall refuse to strike, the justice shall strike for the party so absent, neglecting or refusing. Any party, appellant or commissioner, may, within ten days after the appointment of said freeholders, and upon five days' notice to the other parties resident in said town, or in case of non-residents notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in the case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before any justice of the peace of New Castle county in the name of the town commissioners for the use of said town. If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the commissioners then acting during the terms for which they were elected. The act of a majority

Owners of
real estate
notified.

Freeholders,
how selected

Where to re-
side.

Award final.

Justice to
strike, when

Hearing.

Award.
When made.

Forfeiture.

No petition
entertained
during the
term of com-
missioners if
award is
against the
street.

OF CITIES AND TOWNS.

Acts of ma- of said freeholders shall be as good as an act of the whole in
 jority valid. making any such award or assessment of damages.

Costs borne SECTION 8. *And be it further enacted as aforesaid, That*
 by town. if on any such appeal the award shall be against the necessity
 When. of a street, or the freeholders shall increase the damages of
 any appellant, then the cost of appeal shall be borne by the
 town, but if the freeholders shall affirm the necessity of the
 street, and shall not increase the damages of any appellant,
 Costs paid then the costs shall be paid by the appellants equally. That
 by the ap- the damages which may be assessed upon the occasion of
 pellants. opening any new street shall be paid out of the funds of the
 town, or duly tendered, before the property of any person in
 Damages. whose favor the damages are assessed shall be appropriated
 How paid, for the opening of any such streets; and in case any such
 and when. owner or owners, in whose favor any such damages are
 assessed shall be a minor or non-resident, or refuse to receive,
 or be incapable, for any cause, of receiving the same, such
 damages may be deposited in the Newport National Bank, or
 Deposited in any other banking institution which may at the time exist in
 bank, when. said town, to the credit of such person or persons, and subject
 to his or their order, and such deposit shall operate as pay-
 ment. The fees of the freeholders shall be one dollar per
 Fees of day.
 freeholders.

Power of SECTION 9. *And be it further enacted as aforesaid, That*
 commis- the commissioners, or a majority of them, be and they are
 sioners to hereby authorized and required, upon the written petition of
 direct five or more freeholders of said town, to direct, in writing,
 pavements to be made. the owner or owners of any house or land in Newport, before
 or in front of which they may deem proper that a pavement
 should be made, to curb and lay a pavement of brick or
 smooth stones, of such length and width as the said com-
 missioners may specify, and if such owner or owners shall
 neglect or refuse, for the space of three months, after being
 directed as aforesaid, to lay such pavement with good and
 sufficient curbs, it shall and may be lawful for the said com-
 missioners, and they, or a majority of them, are authorized
 and required to cause such pavements and curbs to be made,
 and to recover the costs of making the same by the distress
 and sale of any goods and chattels, lands and tenements
 belonging to such owner or owners within the limits of said
 town. If any pavement, already made, shall, at any time,
 by the said commissoners, or a majority of them, be deemed
 an insufficient pavement, they, or a majority of them, shall

Commis-
 sioners au-
 thorized to
 pave, when.

Distress.

OF CITIES AND TOWNS.

have power and are hereby required to direct, in writing, the owner or owners thereof to make a sufficient one, and upon neglect or refusal so to do for the space of three months, the said commissioners, or a majority of them, shall cause the same to be done, and recover the costs of so doing the same in like manner as above described in case of new pavements. Notice to one joint owner shall be notice to all, and, in case no owner shall reside in the town, notice to the occupant shall be deemed a sufficient notice to the owner. The said commissioners, or a majority of them, may cause such sidewalks, or portions thereof, as are unpaved to be covered with gravel, sand, or dirt, if they deem them not proper to be paved, and shall cause them to be put in good order for the convenience of the citizens of said town, and may cause flagstones to be put down at the crossings of the streets wherever they may think necessary, and the costs of doing the same shall be defrayed out of the funds of the town. If any lot or lots on any of the said streets shall be held or owned by a widow or widows as and for her dower, such expenses incurred as aforesaid for the lot or lots so held shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be minors at the time of such expenses being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be a sufficient evidence of such payment, and be allowed in his or her guardian or agent's account, and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same to remain on interest from the day of presentation and be a lien against such lot and improvements until paid. All subsequent repairs named in this act to be kept up at the expense of such tenant in dower.

May direct pavements to be repaired.

Commissioners to repair, when.

Notice. What sufficient.

Gravel.

Flagstones.

Expenses paid by reversioner. When.

Paid by guardian.

Lien.

Subsequent repairs.

SECTION 10. *And be it enacted as aforesaid,* That the said commissioners shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary, and they are hereby authorized and required to provide sanitary measures for the health of the citizens, cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets, lanes, alleys, or gutters, on the sidewalk, or in any other place within the limits aforesaid, to be removed and abated. The said commissioners, or a majority of them, may proceed either upon their own view or upon complaint

Powers of commissioners.

Ordinances.

Sanitary measures. Nuisances.

OF CITIES AND TOWNS.

of any other citizen, in writing, stating the character of the nuisance or obstruction and where the same exists. If the said commissioners, or a majority of them, either upon such information or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice in writing to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate the said obstruction or nuisance, he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the commissioners for the use of the town in the same manner as debts of that amount are recoverable, and for every additional day the same shall remain unabated and unremoved he or she shall forfeit the further sum of ten dollars, to be recovered in the same manner.

Assessment. SECTION II. *And be it further enacted as aforesaid,* That the assessor of the town for the time being shall, annually, during the month of May, make a true, just and impartial valuation or assessment of the real estate within said town, except as hereinbefore excepted, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits, and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessments, distinguishing the real and personal assessments of each.

Duplicate. The commissioners shall assess the real estate and person of the assessor. The commissioners shall, between the first and fifteenth days of June, cause a full and complete transcript of said duplicate to be hung up in a public place in said town, there to remain for the space of twenty days thereafter for public inspection; and the said commissioners shall, on the Wednesday next after the expiration of the said twenty days, hold a court of appeal, which shall continue open from 2 o'clock P. M. until 5 o'clock P. M. of the said day, when they shall hear and determine appeals from said assessment.

Assessment of the assessor, how made. Transcript. Notice of the hanging up of the list, and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least six public places in said town. The decision of the commissioners upon any appeals shall be final and conclusive. No commissioner shall sit upon his own appeal, but the same shall be heard and deter-

Court of appeal.

Notices. How given.

Decisions final. No commissioner to sit upon his own appeal.

OF CITIES AND TOWNS.

mined by the others. After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate and persons thus valued and assessed in just and equal proportions and rates. The assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed, by some judge or justice of the peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation in the record book of the commissioners containing the certificate of the election of the alderman, commissioners, assessor, and treasurer aforesaid.

Oath of
assessor.

Certificate.

SECTION 12. *And be it further enacted as aforesaid, That* the commissioners, after having ascertained the sum necessary to be raised on the said town for the purpose of this act, and having apportioned the same on the assessment and valuation aforesaid, shall, yearly, in the month of June, furnish the treasurer of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax levied on the whole valuation and assessment, and the rate per hundred dollars. The list shall be signed by the commissioners, or a majority of them. The treasurer, immediately after receiving the said list, shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collector of the county rates and levies. The treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of one thousand dollars, to the commissioners, conditioned for the faithful discharge of the trust reposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. The said treasurer shall pay all orders drawn on him by the said commissioners, or a majority of them, and shall settle his accounts with the said commissioners annually in the month of March, and as often, and at such times, as they, or a majority of them, shall require. The said assessor and treasurer shall each receive a reasonable compensation, to be determined by the commissioners.

List of tax-
ables furnish-
ed treasurer.

How signed.

Duty of
treasurer to
collect taxes.
Powers.

Bond.

Treasurer
shall pay
orders of
commis-
sioners.
Settlement.Compensa-
tion.

OF CITIES AND TOWNS.

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| Bailiff. | <p>SECTION 13. <i>And be it further enacted as aforesaid,</i> That the said commissioners shall appoint some discreet and judicious citizen, a resident of Newport, town bailiff. The said bailiff shall have all the powers and authority, within the limits of said town, of a constable of the State of Delaware in and for New Castle county as to the cognizance of all breaches of the peace and other offenses within said town, and shall hold his office subject to the option of the commissioners, and his fees and emoluments shall be the same as those of a constable for like services, provided that he shall not serve any civil process except to carry out the provisions of this act. It shall be the duty of the said alderman, commissioners, and bailiff, or of any justice of the peace and constable of New Castle county residing in said town, to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes, or alleys of the said town, or in any house situated therein, after night, or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of said bailiff, or any constable, upon the requisition of the alderman, or of any one of the said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending, and to carry him or them before said alderman or any justice of the peace resident in the said town, and upon conviction before the said alderman, or justice of the peace as aforesaid (whose duty it shall be to hear and determine the case), the said alderman or justice of the peace shall sentence any such person or persons so convicted to pay a fine not exceeding ten dollars, and commit the party to the public jail of New Castle county for any period not more than five days, or until said fine and the costs be paid. It shall be the duty of the said alderman, or justice of the peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said bailiff, or constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial.</p> |
| Powers. | |
| Term of office. | |
| Fees. | |
| Proviso. | |
| Riots, etc. | |
| Duty of bailiff to arrest offenders. | |
| Fine. Commitment. | |
| Warrant. | |
| To extinguish bonfires, etc. | |
| Firing of guns. | <p>SECTION 14. <i>And be it further enacted as aforesaid,</i> That it shall be the duty of the said alderman, commissioners, bailiff, or justice of the peace, to suppress, extinguish and prevent all bonfires on the public square or in any of the streets, lanes, or alleys of the said town, and to suppress or prevent the firing of guns, pistols, or the letting off of fire-</p> |

OF CITIES AND TOWNS.

works, or the making or throwing fire-balls within the limits of the said town; and the said commissioners may enact and publish ordinances with reasonable penalties for preventing the same and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the said alderman or justice of the peace in the town, and in default of payment the said alderman or justice of the peace may commit to the public jail of the county for any time not more than five days. All fines and forfeitures realized under the provisions of this act by the alderman or justice of the peace as aforesaid shall be paid over to the treasurer for the use of the town. If any constable shall neglect or refuse to perform the duties above enjoined on him by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the commissioners to present him to the grand jury, and upon conviction he shall, in addition to the punishment imposed by the court, forfeit his office.

Ordinances.

Fine. How collected.

Commitment. All fines to be paid to the treasurer

Constable refusing to act guilty of a misdemeanor. Presentment

Forfeiture.

SECTION 15. *And be it further enacted*, That there shall be two stated meetings in every year of the said commissioners, viz: on the third Saturday in May and November, and special meetings at such times as the same shall be called by any three of the said commissioners, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repair and making of public pumps, and for all other matters relating to the said town, its police, improvements, ornaments, and general welfare, as by said commissioners may be deemed proper; *provided* the same be not repugnant to the constitution or laws of this State. By such ordinances they may impose fines, penalties, and forfeitures, and provide for their collection.

Stated meetings.

Special meetings.

Proviso.

SECTION 16. *And be it further enacted*, That the commissioners shall have full power and authority to make such regulations and ordinances relative to the traveling over and upon said streets, and to the use thereof; also, relative to the standing and placing of carts, carriages, wagons, and other vehicles, or other obstructions, in and upon said streets, lanes, alleys, and sidewalks; also, as to the running about or otherwise straying or ranging around of any horse, cow, hog, or other brute animals, or geese, in said streets, roads, alleys, lanes and passes in said town, which they, or a majority of them, may deem proper to prevent in order to secure a free and unobstructed enjoyment and use of the same.

Powers of commissioners.

Traveling over streets, etc.

Strays.

OF CITIES AND TOWNS.

Money of
the town.
How used.

SECTION 17. *And be it further enacted,* That the commissioners, or a majority of them, shall have authority to use the money in the treasury of the town for the general improvement, benefit and ornament of the said town as they, or a majority of them, may deem advisable, but no money shall be paid out by the treasurer except upon the written order of the commissioners, or a majority of them.

Penalty for
failure of
officers to
perform
duties.

How
recovered.

When elec-
tion of offi-
cers void.
Duty of com-
missioners.

SECTION 18. *And be it further enacted,* That if any commissioner, assessor, or treasurer, after being duly elected, shall neglect or refuse to perform the duties of such commissioner, assessor, or treasurer, he shall forfeit and pay, for the use of said town, the sum of ten dollars, and the same shall be recovered before any justice of the peace for New Castle county, with costs. Any commissioner, treasurer, or assessor failing or neglecting to become qualified for the duties of his office on or before the first annual meeting in May shall be passed by and his election declared void. And it shall be the duty of the commissioners of the said town annually, on the third Saturday of March next ensuing their election, to make annually, or each and every year, a complete statement of the financial condition of the treasury of said town, stating what moneys have been received, and whether such moneys have been disbursed, posting such statement in some public place in said town for the information of the citizens thereof.

Duty of
treasurer to
collect taxes

Delinquents

SECTION 19. *And be it further enacted,* That the said treasurer, on receiving the said list of tax, adjusted and corrected as hereinbefore provided, shall proceed to collect from the persons therein named the several sums of which they respectively stand assessed, and all sums so assessed and remaining unpaid after the first day of August, in any year, shall be collected with ten per centum additional. The commissioners may allow such delinquents as they, or a majority of them, may think proper.

Tax not to
exceed \$500.

SECTION 20. *And be it further enacted,* That the amount of tax levied in each and every year by said commissioners shall not exceed five hundred dollars.

Public act.

SECTION 21. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

Passed at Dover, April 7, 1873.

Amended April 10, 1883.

OF CITIES AND TOWNS.

CHAPTER 193.

OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Laurel.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring),* That John R. Wilson, Thomas C. Horsey, Daniel J. Fooks, Joseph F. T. Smith and William E. Wolfe are hereby appointed commissioners, whose duty it shall be and they, or a majority of them, are hereby authorized and empowered, with the assistance of a skillful surveyor to be by them chosen, to survey and lay down on a plot the Town of Laurel in Sussex county, establishing its limits and making and describing its streets, alleys, lanes and sidewalks, and shall, when the service is performed, return the plot, under their hands, to the Recorder's office at Georgetown, to be recorded, and the original and the record, or a certified copy thereof, shall be evidence. The commissioners and the surveyor, before entering upon their duties under this section, shall take an oath or affirmation to discharge them with fidelity, and the aforesaid return shall show that this qualification was complied with.

Commissioners.

Duty.

Survey.
Plot.

Recorded.

Evidence of
survey and
plot.Officers
sworn.

SECTION 2. *Be it further enacted as aforesaid,* That the commissioners hereby appointed and their successors in office, to be chosen as hereinafter provided, shall be a body politic and corporate in fact and in law by the name of the Commissioners of the Town of Laurel, and may sue and be sued by that name. They shall, in addition to the power hereinbefore conferred, have power to regulate the streets, lanes, alleys and sidewalks of said town, and may direct the latter, or such part thereof as they may determine, to be paved or otherwise improved at the expense of the owner of the ground adjacent; on complaint of any citizen to examine any chimney, stove-pipe, fixture, or any other matter dangerous to the town, and if adjudged dangerous to require and compel it to be repaired, remedied, or removed; to prevent or remove nuisances therein; to prohibit the firing of guns or pistols, the making of bon-fires, or setting off fireworks, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of negroes, boys, or other persons

Commissioners
incorporated.

Name.

Corporate
powers.

Nuisances.

OF CITIES AND TOWNS.

within the town, and generally they shall have all the powers which by any law of this State are conferred on the commissioners of the town of Dover.

SECTION 3. *Be it further enacted as aforesaid,* That the commissioners herein named shall continue in office until the first Wednesday in March, A. D. 1884, on which day in that year, and on the same day in every year thereafter, there shall be held an election in the said town of Laurel, at the Academy therein, from the hour of two till the hour of four o'clock P. M., for five commissioners, who shall be residents of said town and freeholders therein. The said election shall be held by two persons chosen by the persons entitled to vote present, who shall receive the ballots, ascertain the result, and certify the same in the books of the commissioners. At such election every male taxable of said town above the age of twenty-one years, and who shall have paid the town tax last assessed to him, shall be entitled to vote. The persons aforesaid holding the election shall be the judges of said election, and shall decide on the legality of the votes offered. Which said commissioners shall hold their office for the term of one year, or until their successors are elected; and if any vacancies shall occur in said board of commissioners, by death, resignation, refusal to serve, or otherwise, of any member thereof, the remaining commissioners shall have the power to fill such vacancy or vacancies.

Commissioners.
Term of office.

Election.
When and where held.
Qualifications.

Certificates of elections.
Who entitled to vote.

Judges.

Vacancies.
How filled.

SECTION 4. *Be it further enacted as aforesaid,* That there shall be four stated meetings in every year of the said commissioners, viz: on the last Wednesday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps, and for all other matters relating to the said town, its police, improvements, ornaments and general welfare as said commissioners may deem proper; *provided* the same be not repugnant to the constitution and laws of this State and of the United States. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection. Also the commissioners shall have authority to call special meetings of the commissioners whenever they may deem such meetings necessary; and at such meetings they shall have the right to transact any business that they may have

Stated meetings.
When held.

Powers and duties of commissioners in relation to streets, &c.

Proviso.

May impose fines, etc.

Special meetings.

OF CITIES AND TOWNS.

authority to transact at regular meetings; and the commissioners shall receive for their services one dollar each for each of the four regular meetings, but no compensation for services at special meetings. The said commissioners shall, at their first meeting after their election, elect one of their number as president of said board of commissioners, whose duty it shall be to preside at the meetings of council, have the general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the town commissioners, receive complaints of nuisances and other complaints of citizens of violations of laws and ordinances and present the same to the commissioners at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Laurel which, by Section 1 of Chapter 51 of the Revised Code, a license therefor is required. He shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town commissioners.

Compensation for stated meetings.
No compensation for special.
Election of president of board of commissioners.
Duties.

SECTION 5. *Be it further enacted as aforesaid,* That the commissioners herein named and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised on said town for that year, not exceeding five hundred dollars, including tax on real and personal property, poll tax, and tax on dogs; and shall appoint one or more assessors, who may or may not be of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer. It shall be the duty of the assessor or assessors of said town, within two weeks from his or their appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning real estate as those not owning such estate within its limits, at at least one dollar per head, and also to ascertain the number of dogs within said town and the owners of such dogs, assessing each male dog at fifty cents and each female dog at one dollar to the owner or keeper thereof. And the said assessor or assessors shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the name of all the persons assessed

Commissioners shall determine amount of taxes.
Not exceeding \$500.
What to include.
Assessors.
Collector and treasurer.
Duties of assessors.
Assessments.
Duplicate.

OF CITIES AND TOWNS.

and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the commissioners shall give five days public notice of the fact, and they will sit together at a certain place and on a certain day, to be designated by them, from one till four o'clock in the afternoon, to hear appeals from said assessments. They shall have power on such day to add to or decrease any assessment except that of dogs and poll, which shall always remain at the figures above stated. When the appeal day is past, they shall, without delay, cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid and pay over the whole amount, deducting commissions and delinquencies (which shall be allowed by the commissioners), to the treasurer by the first day of September next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law on the collectors of county taxes. *Provided, however,* that in making said assessment for the town of Laurel that all machinery in any manufactory now in said town, or that may hereafter be erected, shall be exempted from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.

SECTION 6. *And be it further enacted as aforesaid,* That the commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town as they may deem advisable, and all money paid out by the treasurer shall be paid upon the order of the commissioners, or a majority of them. *Provided* that said commissioners shall have no authority to create debts on said town to a greater amount than they are authorized [to raise] by taxation and collect from the county.

SECTION 7. *Be it enacted as aforesaid,* That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning the property fronting upon them, who, and who alone, shall bear the expense of making the pavements or other improvements ordered. If such ordinance be not complied with, in three months, the commissioners may procure the materials and work to be found and done and collect the expense of the same, on ten days notice by advertisement at three of the most public places in said town, out

OF CITIES AND TOWNS.

of the personal or real estate of the person in default, situate in said town. The sale may be made by any person whom the commissioners may depute for that purpose, and if the proper notice has been given the sale shall be valid and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and incumbrances. The money realized from the sale shall be paid to the treasurer, for the use of the town, but if there be any surplus, after meeting the claim for which the sale was made, such surplus shall be paid to the person in default. The commissioners shall allow reasonable fees for seizing the property and making sale.

SECTION 8. *Be it further enacted as aforesaid,* That the president and commissioners, for the time being, shall have the superintendence and oversight of all the roads and streets now open, or hereafter to be opened, within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than three hundred and fifty dollars, and shall make an order for the payment thereof to the treasurer of the town of Laurel for the use of said town.

Superintendence of roads and streets.

Annual appropriation by Levy Court Amount. Payment.

SECTION 9. *Be it further enacted as aforesaid,* That the treasurer and collector shall be severally sworn, or affirmed, to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths, or by the president of the board of commissioners. They shall, also, before entering upon the duties of their office, give bond to the town of Laurel with sufficient surety, to be approved by the commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said office and for the payment to their successor in office of all sums of money belonging to said town which may remain in their hands upon the settlements of their accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders, drawn on him by order of said commissioners and signed by the president thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said commissioners annually

Treasurer and collector sworn.

Oath. By whom administered.

Bond, how approved.

Penalty.

Condition.

Warrant of attorney annexed.

Orders on treasurer. How drawn. Annual settlements.

OF CITIES AND TOWNS.

in the month of February, and oftener and at such other times as the said commissioners may require. The treasurer, clerk and assessor of said town shall each receive a reasonable compensation for their services to be determined by the commissioners of said town; *provided* the compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Compensation to town officers.

Proviso.

Rate of compensation.

Alderman. When and how chosen.

Qualification.

Term.

Removal.

Sworn or affirmed.

SECTION 10. *Be it further enacted as aforesaid,* That the town commissioners, at their first meeting, or as soon thereafter as convenient, shall, annually, proceed to elect, by ballot, some suitable person, resident in said town, to be alderman of the town of Laurel, who may or may not be a justice of the peace resident of said town, to serve as such for the term of one year or until his successor shall be duly elected, subject however to be removed from office at any time by a vote of two-thirds of all the members of the board of town commissioners. Before entering upon the duties of his office he shall be sworn, or affirmed, by the president of the board of commissioners, or by any one of the commissioners, to perform the duties of his office honestly, faithfully and diligently, and all the provisions of Sections 3 and 4 of the act to incorporate the town of Milton, passed at Dover, March 3d, A. D. 1881, shall apply to and are hereby extended and applied to the said alderman of the town of Laurel.

Town constables.

Removal.

SECTION 11. *Be it further enacted as aforesaid,* That the commissioners of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Sussex county residing in said town, shall constitute the town police. The commissioners of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

Town clerk. His record evidence.

SECTION 12. *Be it further enacted as aforesaid,* That the commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the commissioners, and the same shall be evidence.

Duties of alderman and constable.

SECTION 13. *Be it further enacted as aforesaid,* That it shall be the duty of the alderman of said town, and of the

OF CITIES AND TOWNS.

constable of Sussex county residing in said town, and of the town constable, to suppress all riotous, turbulent, disorderly, or noisy assemblages or gatherings of persons in or about any building used for any fair, festival, concert or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending, and carry him or them before the alderman of said town, whose duty it shall be to hear and determine the case, and, upon conviction before him, the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If, upon view of the person or persons who may be brought before the alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of the jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so com-

Punishment
for certain
offenses.

Discretion of
alderman.
When.

Compensa-
tion to offi-
cers.

OF CITIES AND TOWNS.

Proviso.

mitted as is allowed by the Levy Court for board of prisoners. *Provided* the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Laurel. And in all cases of fees for the alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to justices of the peace and constables in like cases.

SECTION 14. *Be it further enacted*, That this act shall be deemed and taken to be a public act.

Passed at Dover, April 13, 1883.

CHAPTER 194.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to reincorporate the Town of Dover,'" passed at Dover, February 27th, 1879.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Chapter 495, SECTION 1. That the following be added as an additional
Volume 16, section to Chapter 495 of Volume 16 of the Laws of Delaware:
amended by adding a

section.
One kind of material to be used on streets.
"SECTION 4. *Provided, however*, that in making the improvement on any of the streets contemplated by the act to which this is an amendment, the same kind of material shall be used on any one street from one end to the other, so that there shall be a uniformity in the class of material used; *and provided further*, that the town council may elect to pave with stone, macadamize, or shell with oyster shells any street, or portion of a street, notwithstanding the petitioners may have designated in their petition the particular kind of material to be used."

Council to elect in matter of paving streets.

Passed at Dover, April 18, 1883.

OF CITIES AND TOWNS.

CHAPTER 195.

OF CITIES AND TOWNS.

AN ACT to further supplement and amend the act Incorporating the
Town of Lewes.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met (two-thirds
of each branch thereof concurring):*

SECTION 1. The commissioners of Lewes to be elected at the annual election in 1884 are hereby authorized and empowered, if they deem it expedient, to cause a new survey of Shipcarpenter street in said town to be made, and to make such amendments or corrections on the town plot now in the possession of the present commissioners as may be rendered necessary by reason of such new survey. *Provided* that the survey, if made, shall be made before the 1st day of March, 1884. *Provided further*, that for any damage that may be sustained by any owner or owners of property by the new survey, as provided for in this act, due compensation shall be made by the town of Lewes.

Chapter 114,
Volume 14,
amended.

New survey
of Shipcar-
penter street

Proviso.

When sur-
vey to be
made.

Compensa-
tion.

SECTION 2. The recording of the town plot and survey, as authorized by Section 4 of the act entitled "An act to supplement and amend Chapter 114, Volume 14 of the Laws of Delaware, entitled 'An act to incorporate the town of Lewes, and for other purposes,'" as amended by Chapter 535 and republished in Chapter 536 of the same volume, passed at the present session, is hereby postponed until after the 1st day of March, 1884. *Provided, however*, that the same shall be lodged for record before the 1st day of April, 1884.

Recording
town plot
and survey
to be post-
poned.

Proviso.

Passed at Dover, April 19, 1883.

OF CITIES AND TOWNS.

CHAPTER 196.

OF CITIES AND TOWNS.

A SUPPLEMENT to an act entitled "An act to amend an act to incorporate the Town of Newport," passed at Dover, April 7, 1873, as amended April 10th, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Chapter 191
of current
volume
amended.

SECTION 1. That the last seven* words of Section 1 of the amended act, passed April 10th, 1883, viz: the words "the town tax last assessed to him," be stricken out and the following words inserted in lieu thereof, viz: "a town tax for the year previous to said election."

Passed at Dover, April 19, 1883.

CHAPTER 197.

OF CITIES AND TOWNS.

A Further Supplement to the act entitled "An act in relation to the Town of Smyrna," passed at Dover, February 25, 1859.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Authority to
borrow not
exceeding
\$20,000.

Purpose.

May issue
bonds.
Rate of in-
terest. Pay-
able semi-
annually.

SECTION 1. That the "Commissioners of the Town of Smyrna" shall have power and authority under and by virtue of an ordinance to be passed by the said commissioners (two-thirds thereof concurring), on the faith of the said town of Smyrna, to borrow a sum of money not exceeding twenty thousand (\$20,000) dollars, and which shall be appropriated, applied and expended for the purpose of supplying the said town with water. Said commissioners shall also have authority to issue bonds therefor at a rate of interest not exceeding six per cent. per annum, in such amounts as they may deem best, payable semi-annually; the principal of

*So enrolled

OF CITIES AND TOWNS.

said bonds to be made payable at such time or times not exceeding ten years from their date, and in such manner as shall be prescribed by the said commissioners. The form for said bonds shall be prescribed by said commissioners, which shall be signed by the president of the commissioners of the town of Smyrna and treasurer of said town, and sealed with the corporate seal of said corporation, and shall be exempt from State, county and municipal taxation.

Principal.
When payable.

Form of
bonds. How
executed.

Exempt
from taxation

SECTION 2. That whenever the "Commissioners of the Town of Smyrna" shall deem it necessary or expedient to obtain or acquire any land for the purpose of supplying the said town of Smyrna with water, that is to say, for digging wells, erecting water works, constructing basins, or reservoirs, or any other matter essential to supplying the said town with water, and such land cannot be procured by agreement between the said commissioners and the owner or owners thereof, the same may be taken for the purpose aforesaid in the same manner and subject to the same conditions and proceedings as are now prescribed by law in relation to the town of Smyrna for condemning and taking land for the purpose of laying out, opening, extending or widening any street, road, square, lane or alley in said town.

When land
may be condemned for
water purposes.

Procedure
in condemning.

SECTION 3. That before the provisions of this act shall go into effect the sum or sums of money proposed to be borrowed by the said commissioners under this act shall be submitted to and approved by a majority of the qualified voters of the town of Smyrna present at any town meeting which the commissioners of the town of Smyrna are hereby authorized to call from time to time as they shall deem necessary; and at any such meeting each qualified voter shall have a right to cast one vote for every dollar and every fractional part of a dollar of town tax which is or may be assessed for the year 1883.

The question of loan
to be submitted to
vote of citizens.

Passed at Dover, April 20, 1883.

OF CITIES AND TOWNS.

CHAPTER 198.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "A supplement to the act entitled 'An act to incorporate the Town of St. Georges,' passed at Dover, March 6, 1877."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Chapter 108,
Volume 16,
amended.

Duty of
road com-
missioners in
respect to
road taxes.

SECTION 1. That the act entitled "A supplement to the act entitled 'An act to incorporate the town of St. Georges,' passed at Dover, March 6, 1877," be and the same is hereby amended by striking out of Section 4 thereof the words following, viz: "That the road commissioners of Red Lion hundred be and they are hereby directed to make an apportionment of the road tax of said hundred amounting to the sum of two hundred and fifty dollars (\$250), for each and every year, to be paid to the council of St. Georges," and substituting in lieu thereof the following words, to wit: "That the road commissioners of Red Lion hundred be and they are hereby directed to pay the whole of the road taxes assessed and collected in the town of St. Georges for each and every year to the council of the town of St. Georges."

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 20, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 199.

OF THE CITY OF WILMINGTON.

AN ACT to convert that part of the Turnpike of the President, Managers and Company of the Wilmington and Christiana Turnpike Road, within the limits of the City of Wilmington, into a free public highway or street.

WHEREAS that part of the turnpike of the President, Managers and Company of the Wilmington and Christiana Turnpike Road, lying and being within the limits of the City of Wilmington, from the number of streets crossing the same, of buildings erected on each side thereof, and of drains, water and gas pipes laid therein, has become as one of the public streets in said city; and whereas it is considered that the public good and private interests will be best promoted by converting that part of said turnpike into a free public highway or street; and whereas such is the desire of the President, Managers and Company of the Wilmington and Christiana Turnpike Road; now therefore, Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

SECTION 1. That that part of the turnpike of the President, Managers and Company of the Wilmington and Christiana Turnpike Road lying and being within the limits of the City of Wilmington is hereby declared to be a free public highway or street, and as such shall be maintained, repaired, managed and controlled as other streets now are in said city. Turnpike a free public highway.

SECTION 2. That the said company shall make, execute and deliver any and all writings, papers and instruments, and do and perform every act, matter and thing that properly may be necessary to secure said city the use and control of said part of said road, at the proper cost and charge of said city. Said city shall in nowise be liable for any of the debts, contracts or engagements of said company. Duties of company.
City not liable for debts of company.

SECTION 3. That nothing herein contained shall in any way affect any other of the property, rights, franchises, privileges or powers of the said turnpike company.

Passed at Dover, February 9, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 200.

OF THE CITY OF WILMINGTON.

AN ACT authorizing "The Mayor and Council of Wilmington" to Borrow Twenty Thousand Dollars.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

| | |
|-------------------------------|--|
| Authority to borrow \$20,000. | SECTION 1. That "The Mayor and Council of Wilmington" shall have power and authority and are hereby authorized, under an ordinance of the council to be passed with the concurrence of two-thirds of all the members thereof for the time being, to borrow, upon the faith and credit of the city, the sum of twenty thousand dollars, to be |
| How applied | applied and expended under the direction of the Board of Public Education in Wilmington, in building and furnishing |
| Object of loan. | additional school houses in the said city. The money borrowed under the provisions of this act being intended to pay to the said Board of Public Education a balance of twenty thousand dollars now due to the said board of moneys borrowed under the provisions of an act entitled "A further supplement to the act for the benefit of public schools in Wilmington," passed at Dover, April 8th, A. D. 1881. |
| Certificates of indebtedness. | SECTION 2. The Mayor and Council of Wilmington shall have power to issue certificates of indebtedness to secure the repayment of the said twenty thousand dollars, and such certificates of indebtedness shall be made payable, with the interest thereon, in two equal installments; and the council |
| Annual appropriations. | of Wilmington shall, in making the annual appropriations, include therein any portion or installments of said certificates of indebtedness with the interest due thereon, which may be payable in the fiscal year for which such appropriations are made. The first installment shall be payable on the first day of August, A. D. 1883, and the second installment thereof shall be payable on the first day of August, A. D. 1884. |
| When payable. | |

Passed at Dover, February 12, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 201.

OF THE CITY OF WILMINGTON.

AN ACT to authorize "The Mayor and Council of Wilmington" to borrow Sixty Thousand Dollars and to provide for the payment thereof.

WHEREAS it is found to be necessary in order that the citizens of Wilmington may be amply supplied with good and wholesome water and the water department of said city brought to a proper state of efficiency, that authority should be obtained from the General Assembly of the State of Delaware to enable "The Mayor and Council of Wilmington" to borrow the sum of sixty thousand dollars to pay for certain water rights in the Brandywine creek which the city council of said city has contracted to purchase for the price named; now therefore

Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That "The Mayor and Council of Wilmington" shall have power and authority and are hereby authorized under an ordinance of the city council to be passed with the concurrence of a majority of all the members thereof for the time being, at any time hereafter to borrow, upon the faith and credit of the city, the sum of sixty thousand dollars, to be applied to the purpose and object specified in Section 3 of this act, and shall have power to issue bonds to secure the repayment of the money so authorized to be borrowed, and shall fix the rate of interest payable on said bonds.

Authority to borrow \$60,000 and to issue bonds securing the same

SECTION 2. The bonds which shall be issued under the provisions of this act shall be of the denomination of fifty dollars and multiples of fifty dollars, and shall be divided into numbered series, and made payable, with any interest which may be due thereon, in manner following, to wit: No. 118, for seven thousand four hundred dollars, to fall due and become payable October 1st, A. D. 1913; No. 119, for thirty-two thousand seven hundred dollars, to fall due and become payable April 1st, A. D. 1914; No. 120, for nineteen thousand nine hundred dollars, to fall due and become payable October 1st, A. D. 1914. The city council of Wilmington

Denomination and character of bonds.

Series Nos. 118, 119, 120. When payable.

OF THE CITY OF WILMINGTON.

Annual ap- shall, in making its annual appropriations for any of the
propriations to include fiscal years in which any of the above series of bonds shall
sufficient to fall due, include in said appropriations a sum of money suf-
redeem ficient for the redemption of the same and any interest that
bonds due. may be due.

Purposes of loan. SECTION 3. The money borrowed under the provisions of
this act shall be used only for the purchase of water rights
in the south long race in said city, contracted for at that
price by the city council of said city.

Passed at Dover, April 3, 1883.

CHAPTER 202.

OF THE CITY OF WILMINGTON.

AN ACT to authorize the Council of Wilmington to sell and convey
certain Real Estate in the said city.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met, (two-thirds
of each branch thereof concurring):*

Authority to convey cer- SECTION 1. That the Mayor and Council of Wilmington
tain real estate. shall have power and authority and are hereby authorized
under an ordinance of council to be passed with the concur-
rence of two-thirds of all the members thereof for the time
being, to sell and convey in fee all that portion of the real
estate belonging to the said city lying and being between
Twelfth and Thirteenth and Orange and Tatnall streets in
said city. Such sale may be either for cash or upon a credit,
Terms. to be secured by the bond and mortgage of the purchaser or
purchasers, and such real estate may be sold either in the
entirety or by parcels as council may in such ordinance
direct.

Proceeds of sale. How applied. SECTION 2. The proceeds of the sale of said real estate
shall be used to purchase other sand lots for the use of the
said City of Wilmington, and the City Council is hereby
Title. authorized to make such purchase and to take the title to the
same in fee simple. Any surplus which may remain unex-

OF THE CITY OF WILMINGTON.

pended, after such purchase or purchases, shall be paid to the Commissioners of the Sinking Fund of the City of Wilmington, to be by them expended in the purchase or redemption of the bonds of said city, or such surplus may be expended in making a payment on account of any debt of said city which will reduce the amount of any loan authorized by law, and such authorized loan shall be reduced accordingly.

Surplus.
How applied

Passed at Dover, April 18, 1883.

CHAPTER 203.

OF THE CITY OF WILMINGTON.

AN ACT to vacate Sixteenth Street, from the southerly side of Scott Street to the northerly side of DuPont Street, in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring):

SECTION 1. For the purpose following: "The Baltimore and Philadelphia Railroad Company" to erect buildings for depot and other purposes between Scott street and Dupont street and between Fourteenth street and Delaware avenue in the city of Wilmington. So much of Sixteenth street in said city as lies between Scott street and DuPont street and between Fourteenth street and Delaware avenue is hereby vacated, and "The Baltimore and Philadelphia Railroad Company" is hereby authorized to enclose and build upon the same. *Provided* that the said depot buildings shall be so located or erected in whole or in part before the first day of May, 1886.

B. & P. R.
R. Co. to
erect depot,
etc.

Part of a
certain
street va-
cated.

Proviso.

Passed at Dover, April 19, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 204.

OF THE CITY OF WILMINGTON.

AN ACT to provide for Public Parks for the use of the Citizens of Wilmington and its vicinity.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

| | |
|--|--|
| May acquire real estate, etc. Object. | SECTION 1. That the Mayor and Council of Wilmington shall have power to take and acquire lands, either by deed or devise, and to receive and accept all donations of money by gift or legacy, for the purpose of providing and maintaining one or more open places or parks for the promotion of the health and recreation of the people of the City of Wilmington and its vicinity; and that lands within the corporate limits of the said city, or within two miles from the boundaries thereof, may be purchased or acquired by, and conveyed or devised to, and the title to and ownership of said lands be vested in the said The Mayor and Council of Wilmington for the purposes aforesaid. |
| Title. How vested. | |
| Board of park com- missioners. | SECTION 2. That William P. Bancroft, George H. Bates, Thomas F. Bayard, Edward Betts, Francis N. Buck, George W. Bush, William M. Canby, Joseph L. Carpenter, Jr., Henry A. DuPont, J. Taylor Gause, and their successors, who shall be appointed as hereinafter provided, together with the Mayor of the City of Wilmington, the President, and the Chairman of the Finance Committee, of the City Council, and the Chief Engineer of the Surveying Department of said city, for the time being, are hereby created and constituted a Board of Park Commissioners. The said mayor, president, chairman, and chief engineer shall be <i>ex-officio</i> members of the said board. |
| Organiza- tion. Election of officers. | The said commissioners shall organize on or before the first day of January, 1884, by the election of a president, who shall be a member, and of a secretary and treasurer, who may or may not be members of the board, and shall immediately proceed to classify the first ten commissioners above named as follows: two of said commissioners shall be selected by lot to serve until the expiration of one year; two to serve until the expiration of two years; two to serve until the expiration of three years; two to serve until the expiration of four years; and two to serve until the expiration of five years from the |
| Terms of commis- sioners. | |

OF THE CITY OF WILMINGTON.

said first day of January, 1884; and whenever a vacancy shall occur among any of the commissioners, who shall have been classified as herein directed, by expiration of a term of service, or otherwise, the same shall be filled by the Associate Judge of the Superior Court of Delaware residing in New Castle county, who shall appoint a successor, and every such appointment shall be for the term of five years, unless when made to fill an unexpired term. No commissioner shall receive any compensation for his services as a member of the board. The treasurer shall, before he enters upon the duties of his office, give bond to the Mayor and Council of Wilmington in such amount as shall be determined by the said board of commissioners, with surety to be approved by the president and one other member of the said board, conditioned for the faithful performance of the duties of his office, and with a warrant of attorney for the confession of judgment annexed thereto.

Vacancies.
How filled.

No compensation.

Bond of treasurer.

Condition.

Warrant of attorney.

SECTION 3. That as soon as the said commissioners shall have fully organized, they shall have the care and management of all lands the title to and ownership of which shall, after the passage of this act, become vested in The Mayor and Council of Wilmington to be laid out and used as a public park; and they shall have the power to adopt and execute all necessary and proper plans for the maintenance and improvement of, and to supervise the expenditure of all moneys which may be given or appropriated for laying out, improving or adorning the same. And the City Council of Wilmington may confer upon the said board, and the board may accept the care and management, from time to time, of any other grounds now appropriated or hereafter to be appropriated for park purposes for the use of the said city. But the said board shall not contract any debts the total amount whereof shall be in excess of its annual income or receipts, or which shall not be paid out of the annual appropriation made for its use by the City Council of Wilmington. All land and property which shall be held, laid out, and used for maintaining any public park, or which shall be purchased or acquired for such use or purpose, shall be forever free from state, county and city taxation so long as used for such purpose. No county road, street, railway, sewer, water or gas pipes, telegraph or telephone wires, shall be laid out, opened, extended over, under, above or through any park under the control and care of the said Board of Park Commissioners without their approval and consent.

Commissioners.
Powers and duties.

Park property.

Exempt from taxation.

OF THE CITY OF WILMINGTON.

Council shall include in its annual estimates sums for park purposes. **SECTION 4.** That the City Council of Wilmington shall in the next estimate of the probable revenue and expenses of the city made after the passage of this act, and in every year thereafter, cause to be included in the said estimate such sum as they may deem necessary and expedient for the improvement, management and care of any park which may have been acquired by the said The Mayor and Council of Wilmington, to be used and laid out by the said commissioners under the authority of this act, and every sum so estimated for the use of such park, as aforesaid, shall be appropriated by the council and paid over to the Board of Park Commissioners.

Appropriation. To whom paid.

Council authorized to purchase lands. **SECTION 5.** Whenever a majority of the said board of commissioners shall recommend to the city council the purchase or acquisition of any land for the purpose of opening a public park, or for the extension of the area of any park which shall have been theretofore laid out and opened for public use, the council shall have power to provide by ordinance for such purchase, and if The Mayor and Council of Wilmington shall be unable to amicably agree with the owner or owners of any land which may have been selected by the commissioners for the purpose aforesaid, then so much of said land as may be required, and which shall be adequately described, may be taken for said purpose in the same manner and subject to the same conditions and proceedings as are prescribed for condemning and taking land for the purpose of extending, widening, laying out, or opening streets in the said city. And any sum of money which may be agreed upon or assessed as the value of the land aforesaid, or any portion thereof the payment of which shall not have been provided for, shall be included in the next annual estimates and appropriations of the city council to be made thereafter. *Provided* that nothing contained in this act shall authorize the condemnation of any water rights; *and provided further*, that the amount appropriated by the city council in any one year for the payment of land purchased or condemned under this section shall not exceed the sum of ten thousand dollars, and that the city council shall have power to borrow said sum by note or bond, if necessary, in anticipation of the annual estimates and appropriations.

Condemnation proceedings.

Purchase money, how paid.

Proviso.

Jurisdiction of mayor and council. **SECTION 6.** That for the better preservation of the public peace and order the municipal jurisdiction of the Mayor and Council of Wilmington shall extend over and include any

OF THE CITY OF WILMINGTON.

park which shall be laid out and opened under the authority of this act, and also include and extend over the territory lying between such park and the boundaries of the City of Wilmington, and all laws, ordinances, rules and regulations of the said city shall apply to and be enforced in and about the said park and territory as effectually as if the same were included within the limits of the said city; and the board of commissioners shall have power to appoint such special policemen as they may deem necessary, who shall have the same power and authority as are exercised by the policemen of the City of Wilmington and the constables of New Castle county. The board of commissioners shall, from time to time, appoint such officers, agents and subordinates as they may deem necessary for the proper management and care of any park under their control, and prescribe their duties and the compensation to be paid to them.

Powers of
commissioners.

SECTION 7. The said board of commissioners shall have power to make all needful rules and regulations for the government and use of any park under their control not inconsistent with the laws and constitution of the United States or of the State of Delaware or with the ordinances of the City of Wilmington; and any person who shall violate any of said rules and regulations shall be guilty of a misdemeanor, and shall pay such fine as may be prescribed by said board of commissioners, not to exceed ten dollars for each and every violation thereof, to be recovered before the mayor of the said city, or any justice of the peace in New Castle county, as debts of that amount are recoverable, which fines shall be paid into the city treasury. No intoxicating liquors shall be sold in any public park, and no meeting of any kind, assembled through advertisement, shall be permitted in any such park without the license or permission of the board of commissioners; nor shall any gathering or meeting for political purposes in any such park be permitted at any time.

Regulations.

Penalty for
violation.
Misdemeanor.
Fine.

How recovered.

SECTION 8. The president of the said Board of Park Commissioners shall make annual report, in writing, to the city council of the operations of the said board, together with a statement of its receipts and expenditures for and during the preceding year. They may make all needful by-laws for the government of the said board. If any member of said board, after having accepted an appointment thereto, shall

Annual
reports.

By-laws.

OF THE CITY OF WILMINGTON.

Removal. refuse or neglect to serve as a commissioner, he may be removed and his place declared vacant by a vote of two-thirds of all the members of the said board.

Passed at Dover, March 13, 1883.

CHAPTER 205.

OF THE CITY OF WILMINGTON.

AN ACT to establish a Board of Water Commissioners for the City of Wilmington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:

Rights and powers of the board of water commissioners.

SECTION 1. The City of Wilmington is hereby authorized, through the agency of a Board of Water Commissioners hereby created, constituted and appointed, and their successors in office, to take, convey into and throughout said city the water of the Brandywine river, from any point on said river, or other wholesome water, and may also acquire and hold lands, real estate, or personal property necessary for constructing aqueducts, laying pipe, constructing reservoirs, erecting buildings and machinery proper for the said works, and for purifying, conducting, storing and distributing such water, and to purchase, take and hold lands and water rights for supplying the citizens with good and wholesome water.

Commissioners.

SECTION 2. That William T. Porter, Cæsar A. Rodney and Lewis Paynter, of the City of Wilmington and State of Delaware, are hereby appointed and constituted a Board of Water Commissioners for the said city under this act, with full powers to act as such for the term of two, four and six years, as hereinafter specified, respectively, or until their successors shall be duly appointed. At the first meeting after the passage of this act said commissioners shall determine their terms by lot, and shall certify the result in duplicate to the city council and to the Recorder of Deeds for New Castle county. The said certificate shall be recorded by the said

Terms of office.

OF THE CITY OF WILMINGTON.

Recorder of Deeds, and the original, or the record thereof, or a duly certified copy of the record, shall be evidence in all the courts of this state or elsewhere. The commissioner who draws the two years' term shall serve to and until the first day of July, A. D. 1885; the commissioner who draws the four years' term shall serve until the first day of July, A. D. 1887; and the commissioner who draws the six years' term shall serve until the first day of July, A. D. 1889. At the expiration of the term of the said commissioner who shall draw the shortest term, and bi-ennially thereafter, the place of the retiring commissioner shall be filled by appointment by the Mayor of the City of Wilmington, for the term of six years.

Certificate
evidence.

Vacancy.
How filled.

No person shall be eligible to appointment as a member of said board who shall not be a citizen of the United States, a qualified voter of this State, and a resident of the City of Wilmington for the last five years next preceding his appointment. Any member of said board may be removed for cause by the mayor of said city with the concurrence of two-thirds of the whole city council. The reasons for the removal shall be entered in the journal. No person shall hold any other municipal office during his membership in said board. The said board shall have power to fill any vacancies in its own membership for the unexpired term, but all the members of said board shall not, at any one time, belong to the same political party.

Qualifica-
tions.

Removal.

Each member of said board shall, before entering upon his duties, in addition to any oath required to be taken by other municipal officers, take and subscribe, and file in the office of the mayor of the said city, an oath or affirmation that he will faithfully perform his duties as a water commissioner of said city, and that he will neither be concerned or interested pecuniarily in any contract for work or materials furnished for or about the erection, construction or repairs of said water works while a member of said board; and further, that he will not be controlled in any vote or action, as a member of said board, by political or partisan considerations.

Oath, where
filed.

SECTION 3. Within ten days after the passage of this act, the said Board of Water Commissioners hereby constituted shall assemble and organize by selecting one of their number to preside over its deliberations.

Organiza-
tion.

The Registrar or Chief Clerk of the Water Department, for the time being, shall be also secretary of said board.

OF THE CITY OF WILMINGTON.

Salaries of
commissioners.

Privileges in
construction
of aqueducts
and control
of water
supply, etc.

SECTION 4. The said Board of Water Commissioners shall be paid for their services from the passage of this act, yearly salaries as follows, viz: To each, the annual sum of three hundred dollars (\$300), payable quarterly. The said city may, by the agency aforesaid, construct any aqueduct over or under any water course, street, road, or railroad, in such manner as not necessarily to obstruct travel thereon, and may enter upon and dig up any such street, road, or railroad, for the purpose of laying down pipes beneath the surface, and for repairing the same, and in general, do all things necessary and proper for carrying this act into effect. The said Board of Water Commissioners shall have control of all matters relating to water supply in the City of Wilmington, of the management and direction of the water works now existing or hereafter to be constructed in connection therewith; shall have charge and supervision of all the mains, stop-cocks and fire hydrants and other fixtures appertaining to the distribution of water through the city, and of the collection of all revenue due, or to become due, to the City of Wilmington for water, or accruing to the said city on account of the water works thereof, in virtue of any ordinances now existing, or of any rules and regulations hereafter to be passed by said board.

Present ordi-
nances in
effect.

Officers of
water de-
partment.

Books.

Duties of
board.

SECTION 5. The ordinances of said city now in force, relating thereto, shall continue in force until the same are changed, in whole or in part, by the said board of commissioners, and all officers of the water department of said city shall be, from the time of the organization of said board of commissioners, under and subject to the control of said board; and the terms of office of all the said officers are hereby made subject to termination at the pleasure of said board, and all such officers shall continue to perform the duties now devolved upon them by the ordinances of said city until the board shall otherwise direct; and all books, accounts and property connected with the water department of said city, or any office therein, shall be used and disposed of according to the directions of said board.

The said board shall keep, or cause to be kept, a full and true account, in suitable books, of all permits issued for the use of water, and all money received on account of the use of the water, according to the provisions of any ordinance of the city now in force, or of any rules or regulations hereafter to be passed by said board, and for all labor performed or materials or supplies furnished.

OF THE CITY OF WILMINGTON.

SECTION 6. The said Board of Water Commissioners shall, at its discretion, appoint, employ and discharge all officers, agents, ministers and servants necessary for the management and service of the water works, and for the collection of the revenue arising therefrom, as herein provided, and shall determine the compensation to be paid to each one so employed; and said board shall make all the needful rules and regulations to govern its own deliberations and for the observance of the officers, agents, ministers and servants by it employed, and shall determine the penalty and condition of the bond to be given by each of such officers, agents, ministers and servants.

May appoint
and dis-
charge
officers, etc.

Further
powers.

SECTION 7. The said board shall, with all dispatch, prepare and resolve upon a plan for the permanent water works best suited to the circumstances of the City of Wilmington, capable of affording an ample daily supply for the inhabitants of the city, and may acquire for the City of Wilmington, by contract or otherwise, as hereinafter provided, all such real estate as may be needed for the construction of such extended water works, the title of any real estate so purchased to be vested in the Mayor and Council of Wilmington.

May acquire
real estate.

Title. How
vested.

SECTION 8. The doing of all work and the furnishing of all materials and supplies for the water works shall be let out by the Board of Water Commissioners to the lowest and best bidder, except in cases where it is not practicable to do such work or furnish such materials and supplies by contract. Notice that the board will receive proposals for such work, materials or supplies shall, in all cases, be published at least five times, the last publication to be at least three days before the opening of the bids, in two papers of the City of Wilmington. Such notice shall state the kind and the amount of the work to be done or furnished, the place where, and the period within which the bids will be received. Each bid must be signed by the bidder and be accompanied by an undertaking signed by the persons offered by the bidder as his sureties, who must, in all cases, be resident freeholders of the City of Wilmington, declaring their consent to be such sureties in the event of the contract being awarded to such bidder; and if any contract be so awarded, and such bidder shall fail to complete the execution of a contract therefor, with security for its performance approved by the said board, such bidder and the party or parties so undertaking for him,

Contract for
work and
materials.

Notice.

Contents.

What re-
quired of
bidders.

Penalty for
violation.

OF THE CITY OF WILMINGTON.

as aforesaid, shall be liable to pay to the City of Wilmington any damage that may be occasioned to said city by such failure.

Duties of
city auditor.

SECTION 9. The City Auditor shall examine all bills against said board, and indorse them as correct before they are presented to said board for payment. He shall also examine and countersign all drafts or orders, and withhold his signature in case the draft or order is made without sanction of law, or with any circumstances of fraud actually or presumably attached thereto, in all of which cases he shall report his action and the grounds therefor to the Board of Water Commissioners at its ensuing meeting. The board shall thereupon, duly, carefully and publicly consider the case, and shall sustain or overrule his action by a unanimous vote of all the members of said board, whereupon it shall be the duty of the city auditor, in case he shall be overruled, to countersign the said draft or order, in which case he shall be exonerated from all responsibility in the premises. He shall also keep a book or books in which an exact and complete record of all accounts so paid shall be entered, keeping a debtor and credit account with all persons doing work for or furnishing goods to the said board in any manner.

Report.

Duties of
board.

Books of
auditor.
How kept.

Charges for
water.

SECTION 10. The said Board of Water Commissioners shall have the right to charge the City of Wilmington with all water furnished each fire hydrant at the rate of forty dollars per annum, or the city shall, in lieu thereof, pay to the water commissioners a sum of money as may be agreed upon by city council and said board, provided that in no case shall the city pay less than twenty thousand dollars per annum.

Malfeasance
of members.

SECTION 11. If any member of said Board of Water Commissioners, or any officer of said board, shall, at any time, apply to his own use any of the money which may come to his hands or under his control by virtue of this act, or which, being a part of the revenue for the use of the water furnished by said works, or the proceeds of the sale of the bonds by this act authorized, shall in any way come to his hands or under the control of any such member or officer, the person so offending, and his sureties, shall forfeit and pay to the City of Wilmington a sum of money which shall be two-fold greater than the sum of money so applied to the use of the offender, to be recovered by action on his official bond, or otherwise, as the case may be.

Forfeit.

How re-
covered.

OF THE CITY OF WILMINGTON.

SECTION 12. For the purpose of defraying all the cost of acquiring real estate for reservoirs, laying pipe, purchasing and establishing engines, constructing all the works contemplated by this act, and purchasing water rights, the City of Wilmington, on the requisition of said Board of Water Commissioners, shall issue bonds, each for the sum of one hundred dollars, or multiples of one hundred, payable in not more than thirty-five years from date of issue, to be denominated "Wilmington City Bonds," to an amount not exceeding one hundred and twenty thousand dollars, bearing interest not exceeding five and one-half per cent. per annum, and the Board of Water Commissioners may sell and dispose the same on the most advantageous terms possible, but no commission or other compensation shall be charged or paid to any member of said board for effecting the sale or negotiation of said bonds. All the aforesaid bonds shall be signed by the mayor and countersigned by the treasurer and city auditor, in the same manner as other city bonds, and the record thereof shall be made and kept by the city auditor and treasurer respectively. The said sum of one hundred and twenty thousand dollars shall be in addition to and exclusive of the sum of sixty thousand dollars authorized to be borrowed for the purchase of water rights for said city at the present session of the General Assembly; and in case the said board of commissioners shall, under the provisions of this act, take control of said water department before the issue of said bonds to the amount of sixty thousand dollars, it shall be the duty of the city council to complete the issue and sale of said bonds, and to use the proceeds of the same for the purchase of the water rights contracted for by said city council, and the board of commissioners shall have no authority to interfere with the same.

When city
may issue
bonds.

Amount.

Rate of
interest.No commis-
sion allowed
for sale.
Bonds, how
executed.Duty of city
council.

SECTION 13. The proceeds of the sale of all said bonds, and also the revenue derived from the water works, shall be received by said Board of Water Commissioners and placed on deposit in such bank at Wilmington as shall, from time to time, be the depository of the funds of the city to the credit of the said board; and all money to be disbursed thereon on account of said water works shall be drawn upon warrants, signed by the president of said board and countersigned by the city treasurer and city auditor.

Proceeds of
bonds de-
positedWarrant.
How drawn.

SECTION 14. The water rates shall be fixed by the said Board of Water Commissioners at prices that shall produce

Water rates.
How ad-
justed.

OF THE CITY OF WILMINGTON.

Proviso.

Duties of
council.

revenue sufficient at least to pay the interest on the water bonds and the running expenses of the water works; *provided* that in no case shall a dwelling house having one hydrant in the yard or kitchen, or both, be charged more than five dollars; and the whole net income, rents and receipts of said water works in excess of what may be necessary for completing, constructing, operating and repairing the water works, for extending the water pipes, and for interest on water bonds, shall be set apart by the said board and solely appropriated to and for the payment of the principal and interest of the water bonds, and shall be applied solely to that purpose until the whole of said bonds be fully paid. The city council shall, during the month of December in each and every year, notify the Board of Water Commissioners of the amount of interest due and payable during the ensuing year on all loans created for the benefit of the water works, stating the time when due and the amount of interest payable. The Board of Water Commissioners shall pay to the city the amount of interest due in each year, such payment to be made at least ten days before said interest is payable to the holders of any water loans.

SECTION 15. This act shall take effect from its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 18, 1883.

CHAPTER 206.

OF THE CITY OF WILMINGTON.

AN ACT for the Protection of the Harbor of Wilmington and the Improvement of the Navigation of the Waters thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Commis-
sioners.

SECTION 1. That William T. Porter, Franklin B. Colton, George W. Bush, George A. LeMaistre and Washington Jones be and they are hereby constituted and appointed

OF THE CITY OF WILMINGTON.

commissioners to do and perform the matters and things Duties. hereinafter prescribed, that is to say: the said commissioners shall, within two years after the passage of this act, view the Christiana river from where the bridge of the Philadelphia, Wilmington and Baltimore Railroad Company crosses the same to the mouth thereof, and the Brandywine river from where the bridge known as the Market street bridge crosses the same to the mouth thereof, and that part of the River Delaware upon which the City of Wilmington fronts, and the shores and margins of said rivers within the limits aforesaid, and fix, alter, readjust, establish and determine lines beyond which no wharf, pier, bulkhead, or other structure or obstruction shall be erected, placed, or maintained in the tideway of said rivers within the limits aforesaid.

SECTION 2. In the performance of the duties aforesaid Commissioner's powers. the said commissioners may, so far as they shall deem it practicable and expedient, ratify and adopt the lines established within the limits aforesaid pursuant to the act passed April 9th, 1869, entitled "A further supplement to the act entitled 'An act to regulate the building of wharves in the City of Wilmington,' passed at Dover, February 6th, 1855," but they shall have full power and authority to alter and change the same, or any part thereof; but all lines so ratified and adopted, and all lines so altered and changed, as well as all new lines fixed and established by the said commissioners, shall be described and plotted in the return of their proceedings hereinafter mentioned.

SECTION 3. The said commissioners, for the purpose of May establish land marks. ascertaining and establishing said lines, shall have power and authority to enter upon any lands adjacent to said rivers and there fix and establish such landmarks as they may deem necessary for the purpose aforesaid. And said commissioners, in the performance of their duties under this act, shall have authority to take to their assistance and employ such competent and skillful engineer or surveyor and other persons Surveyor. as they may deem necessary. The said commissioners, and the engineer or surveyor employed by them, before proceeding to the performance of their duties under this act, shall be severally sworn or affirmed to perform the same Oath. By whom administered. faithfully and impartially to the best of their skill and judgment. Such oath or affirmation may be administered by the Mayor of the City of Wilmington, or by any justice of the

OF THE CITY OF WILMINGTON.

peace residing therein, and certificates thereof shall be annexed to the return of said commissioners and be recorded therewith.

SECTION 4. The said commissioners, as soon as conveniently may be after adjusting, determining and establishing such lines as aforesaid, shall make return of their proceedings in the premises, in duplicate, under their hands, or the hands of a majority of them, to the Council of Wilmington, together with duplicate plots, showing, distinctly, the said lines, with such courses, distances and landmarks as they may have adopted for ascertaining the same. And the said council shall, thereupon, cause one of said returns and plots to be filed and preserved in the office of the Chief Engineer of said city, and the other of said returns and plots to be filed, preserved and recorded in the office of the Recorder of Deeds in and for New Castle county, and the said duplicate returns and plots, respectively, and the record thereof, as well as duly certified copies of the same, or of the record thereof, shall be competent evidence for all purposes.

SECTION 5. The acts of a majority of said commissioners shall be valid as the acts of all of them; and any vacancy occurring in said commission, by death, resignation, or otherwise, shall be filled by the remaining commissioners. The Council of Wilmington shall fix the compensation of said commissioners, and provide for the payment of the same. The compensation of the engineer, surveyor, and other persons employed by said commissioners in the execution of their duties under this act shall be fixed by said commissioners, and provision for the payment of the same, as well as for the other necessary expenses of said commission, shall be made by the council of Wilmington, from time to time, upon certificates by said commissioners.

SECTION 6. From and after the making of said return by the said commissioners to the said council as aforesaid, no person shall erect, place, or maintain in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, or obstruction, beyond the lines established and determined by said commissioners in and by their return as aforesaid. *Provided, however,* that the establishment and determination of any such line or lines by said commissioners as aforesaid shall not render unlawful the maintenance of any wharf, pier, bulk-

head, or other structure which, before that time, had been erected or placed in the tideway of either of said rivers beyond such line or lines.

Wharf separate from the main land not allowable.

Sluiceways
not allow-
able.

Provviso.

License from
port wardens

§ Penalty for violation.

OF THE CITY OF WILMINGTON.

direction of the Port Wardens of the City of Wilmington, and further, that he levy and make of the goods and chattels, lands and tenements of the defendant the costs and expense of such abatement by said sheriff. *Provided, however,* that nothing herein contained shall be construed to limit or qualify the power of the Chancellor to restrain, by injunction, the erecting, placing or maintaining, in the tideway of the said rivers, or either of them, within the limits aforesaid, any wharf, platform, pier, bulkhead, or other structure or obstruction, or any culvert, or sluiceway, contrary to the provisions of this act.

Proviso.
Jurisdiction
of chancellor

SECTION 10. Nothing herein contained shall be taken or construed to prevent the Council of Wilmington from constructing and maintaining proper sluices, culverts and waterways, for the drainage of said city, or to prevent the present public drains or gutters from being emptied into the aforesaid rivers, or either of them, or to prevent the construction or maintenance of sluiceways or waterways for the drainage of marsh or low lands on said rivers.

Not to interfere with
necessary
drainage.

SECTION 11. Nothing hereinbefore contained shall be construed to alter or change any of the wharf-lines established on either of said rivers, within the limits aforesaid, pursuant to any former act or acts of the General Assembly, until the return of the said commissioners shall be made as hereinbefore provided.

Present
wharf lines.

SECTION 12. If any person shall willfully break, pluck up, remove or deface any post, stone, or other landmark which may be fixed, set, established, or adopted by said commissioners or port wardens under the provisions of this act, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars, nor more than five hundred dollars. *Provided* nevertheless, that the council of Wilmington may, in any proper case, in its judgment, upon written application, by ordinance, accord to any person the right to remove any such post, stone or other land-mark, upon such terms and conditions as shall be prescribed in such ordinance, and as shall preserve the certainty of, and the means of ascertaining, the lines which may be established or adopted pursuant to the provisions of this act.

Willful interference
with land
marks misdemeanor.

Proviso.

SECTION 13. The Council of Wilmington shall, at its third stated meeting in June next, elect, by ballot, a Board of Port Wardens, consisting of five members, to hold office

Election of
port wardens

OF THE CITY OF WILMINGTON.

as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, or until their successors are chosen. And the said council shall, annually, thereafter, in like manner, elect one port warden to succeed the one whose term of office shall have expired as aforesaid, and the person so elected shall hold office for five years, or until his successor is chosen. Whenever port wardens are to be elected as aforesaid, the Wilmington Board of Trade, a corporation of this State, shall nominate, in writing, at least five days before such election, at least two persons for each and every office to be filled as aforesaid, and the said council shall elect, as aforesaid, the requisite number of port wardens from the persons so nominated, and in case said corporation shall fail to make said nominations as aforesaid, said council shall elect such persons as they may deem proper. The said port wardens, before entering upon the duties of their office, shall be severally sworn or affirmed to perform the same faithfully and impartially, to the best of their skill and judgment. Such oath or affirmation may be administered by the Mayor of the City of Wilmington, or by any justice of the peace residing therein, and certificates thereof shall be filed in the office of the clerk of said council. The said Board of Port Wardens shall annually elect one of their number Master Warden, who, when present, shall preside at the meetings of said board and shall perform such other duties as may be prescribed by any law of this State or ordinance of said city. The acts of a majority of said board shall be valid as the acts of all of them, and any vacancy occurring in said board, by death or resignation, shall be filled by the remaining members of said board.

Terms of
office.

Mode of
nomination.

Port ward-
ens sworn.

Election of
master
warden.

Vacancies.

SECTION 14. Any person desiring to erect or extend in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, shall make application in writing to the Board of Port Wardens for a license therefor, and submit therewith a plan and specifications thereof; and if such erection or extension, may be lawfully made, said board shall grant its license in writing for such erection or extension. Before any wharf, pier, bulkhead, or other structure shall be erected or extended in pursuance of such license, the correct lines thereof shall, under the direction of said board, be furnished by the Chief Engineer of said city, who shall prepare a plan in duplicate of the location of such wharf, pier, bulkhead, or other structure, one of which shall be delivered to the person receiving

Application
for license
to erect
wharf, etc.

Duties of
chief engi-
neer.

OF THE CITY OF WILMINGTON.

Fees. such license and the other to said board, to be filed and preserved in the office of the Chief Engineer of said city. The said Chief Engineer shall receive for his services as aforesaid a fee of ten dollars, to be paid by the person receiving such license.

Limits of water front. How determined. **SECTION 15.** The breadth of water front appertaining to the land of each proprietor, or owner, on the banks, or shores, of said rivers, within the limits aforesaid, shall be determined by protracting the lines of such land to the line established by law as the limit to which wharves or other structures may be built, whenever such protraction of said lines will not result in giving to the said owner more, or to any other riparian owner less than his proportionate share of frontage on said wharf-line. But in case of conflict between riparian owners, arising from the divergence or convergence of the lines of their lauds, or the lines of any public street when the same shall be protracted as aforesaid, the said Board of Port Wardens are hereby authorized and empowered to settle and determine the lines and bounds of said owners within the tideway of said rivers, or either of them, and the frontage of said owners respectively on said wharf-line; and said board shall thereupon make report in writing of their determination in the premises, with a plot of the lines and frontage so established by them, and file such report and plot in the office of the Chief Engineer of said city, and the same, or a certified copy thereof, shall be competent evidence for all purposes. In the performance of their duties under this section, said board may call to their assistance the Chief Engineer of said city, or any other competent engineer or surveyor, who shall receive for his services, in the premises, such compensation as shall be fixed by said board, to be paid by the persons between whom such conflict shall have arisen, or either of them, as said board may direct.

Powers of port wardens

Report and plot.

Where filed.

Evidence.

Surveyor. Compensation.

Further powers. **SECTION 16.** The said Board of Port Wardens shall have full power and authority to direct the mooring of ships and vessels in the harbor, and the position in which they shall lie at the wharves and docks, and the anchoring of ships and vessels in the Brandywine and Christiana rivers within the limits aforesaid, and to make, ordain and publish such rules and regulations in respect to the matters aforesaid as they shall deem fitting and proper, with penalties for the breach thereof; *provided*, that such rules and regulations shall not be contrary to the constitution and laws of the United

Proviso.

OF THE CITY OF WILMINGTON.

States or of this State; and *provided* also, that no penalty so prescribed shall exceed the sum of twenty dollars.

SECTION 17. The said Board of Port Wardens, or any member thereof, shall, upon application of the master or owner of any vessel, or the shipper or consignee of any cargo, coming into port in a damaged condition, view the said vessel or cargo and certify to the underwriters or other parties interested the extent and character of said damages, and may perform such other duties in the premises as are usually discharged by such officers. And the said board, or member thereof, performing such service, shall receive such compensation therefor as shall be fixed by general regulation of said board, to be paid by the party requiring such service.

Duties of
port wardens

Compensa-
tion.

SECTION 18. Whenever said Board of Port Wardens shall deem it necessary or expedient to purchase or acquire any land on, or adjacent to, the banks or shores of said rivers, or either of them, within the limits aforesaid, or any lawful structure in the tideway of said rivers, or either of them, within the limits aforesaid, for the purpose of improving the navigation of such river or rivers, or the removing of obstructions to such navigation, they shall, for that purpose, make application in writing to the Council of Wilmington, therein accurately and fully describing the land or structure proposed to be purchased or acquired as aforesaid, and the new wharf-line or lines proposed by them to be established, (if they shall deem any such new line or lines necessary in such case,) together with a plot of the same made under their direction by the Chief Engineer of said city or by some other competent engineer or surveyor, and thereupon the said council shall have power and authority, if they shall deem such purchase or acquisition necessary or expedient as aforesaid, to provide, by ordinance, for such purchase or acquisition; and if the Mayor and Council of Wilmington shall be unable to agree with the owner or owners of such land or structure for the purchase thereof, the same may be taken for the purpose aforesaid, in the same manner and subject to the same conditions and proceedings as are or may be prescribed by law for condemning and taking lands for the purpose of extending, widening, laying out or opening streets in said city.

Application
by board of
port wardens
to purchase
lands, etc.

Plot.

Council may
provide for
purchase.

Condemna-
tion.

Upon the purchase or acquisition of any land or structure as aforesaid, the said Board of Port Wardens shall cause such land or structure, within a reasonable time thereafter, to be dredged, removed, or taken away, and any sum of money

Annual ap-
propriation
by council.
What to
include.

OF THE CITY OF WILMINGTON.

which may be agreed upon as the value of such land or structure, or assessed as damages by reason of the taking of the same as aforesaid, as well as the cost of dredging, removing, or taking away such land or structure as aforesaid, shall be included in the next annual estimates and appropriations of the said council to be made thereafter; *provided* that the whole amount appropriated by the said council in any one year for the payment of land or structures, purchased or condemned, and for the cost of dredging, removing, or taking away such land or structure as aforesaid, shall not exceed the sum of fifteen thousand dollars, and that the said council shall have power to borrow such sum or any part thereof, on note or bond, if necessary, in anticipation of said annual estimates and appropriations. When by proceedings under this section it shall become necessary to establish any new wharf-line or lines, the said Board of Port Wardens shall have power and authority to establish such new line or lines, and upon the acquisition or condemnation of any land or structure by such proceedings, and the establishment by said Port Wardens of such new line or lines, it shall be the duty of the said Port Wardens to make return, in duplicate, of their proceedings in the establishment of such new line or lines, under their hands or the hands of a majority of them, to the said council, with duplicate plots, showing, distinctly, such new line or lines, with such courses, distances and landmarks as they may have adopted for ascertaining the same, and said returns and plots shall be filed, preserved and recorded, as provided in Section four, of this act in reference to the returns of the aforesaid commissioners, and the said duplicate returns and plots respectively, and the records thereof, as well as duly certified copies of the same, or of the record thereof, shall be competent evidence for all purposes. The compensation of the said Chief Engineer, or such other engineer or surveyor as may be employed by said Board of Port Wardens, in execution of their duties under this section, shall be fixed by said board, and provision for the payment of the same, as well as for the other necessary expenses of said board in the performance of their duties under this act, shall be made by said council.

Proviso.

New wharf lines.

Duties of port wardens

Duplicate plots and returns.

Evidence.

Compensation of surveyor.

Election of harbor-master.

Oath.

SECTION 19. The said Council of Wilmington shall, at its second stated meeting in July next, and annually thereafter, elect a Harbor-Master, who shall be nominated by the said Board of Port Wardens. Before entering upon the duties of his office he shall be sworn or affirmed faithfully and impar-

OF THE CITY OF WILMINGTON.

tially to perform the same. He shall be the executive officer of said Board of Port Wardens. It shall be his duty to enforce and superintend the execution of all laws of this State and all ordinances of the City of Wilmington, and all rules and regulations of said Board of Port Wardens in relation to the docks, wharves and harbor of the said city and the waters of the said rivers within the limits aforesaid, and in relation to the regulating and stationing ships and vessels in the tideway of said rivers or at the docks and wharves within the limits aforesaid, and all other rules and regulations of said Board of Port Wardens. For the purposes aforesaid the said harbor-master shall, within the limits aforesaid, have all the power and authority of a county constable or police constable of said city, and he shall have the right to call to his assistance, in discharge of his duties, the sheriff or any constable of New Castle county, or any police officer of said city. If any master or captain of any ship or vessel shall refuse or neglect to comply with the directions of the said harbor-master in matters within the jurisdiction of his office, or if any person whosoever shall obstruct or prevent the said harbor-master in the execution of his duties, such master, captain, or other person, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than twenty dollars nor more than one hundred dollars. The said harbor-master shall be paid by the Council of Wilmington such salary as they, by ordinance, may determine.

Duties.

Powers.

Interference
with duties
of harbor-
master mis-
demeanor.

Salary.

SECTION 20. All fines and penalties imposed by this act, or by any rule or regulation of the said Board of Port Wardens, shall be recovered in the name of the State of Delaware, and shall be for the use of the Mayor and Council of Wilmington.

Penalties.
How re-
covered.

SECTION 21. All violations of the rules and regulations of the said Board of Port Wardens shall be within the criminal jurisdiction of any municipal court that has been or may be established by law for the City of Wilmington and of any justice of the peace residing therein; and such court or justice of the peace may impose any fine or penalty prescribed for the violation of such rule or regulation not exceeding the sum of twenty dollars.

Jurisdiction.

SECTION 22. All laws and parts of laws inconsistent with this act are hereby repealed, and the power of revocation of this act by the Legislature is hereby reserved.

Passed at Dover, April 18, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 207.

OF THE CITY OF WILMINGTON.

AN ACT to Revise and Consolidate the Statutes relating to the City of
Wilmington.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met (two-thirds
of each branch thereof concurring):*

LIMITS AND CORPORATE POWERS.

City limits. SECTION 1. The City of Wilmington shall be bounded as follows, viz: Beginning at the Delaware river at a point one thousand (1000) yards eastwardly from a stone set in the middle of the westerly bank of said river, in a line with the northerly side of Thirteenth street extended; thence by a line forming an extension of said street without any change of course thereof to the easterly side of the Brandywine creek; thence along the same about one and a quarter miles to the old ford above the head of tide-water, and continuing along said side of said creek about thirty-three hundred (3300) feet, or until it reaches a point sixty-nine hundred and sixty-eight (6968) feet (measured at right angles) from the northerly side of Front street extended, westwardly; thence north fifty-eight degrees west, and parallel with Front street to a line intersecting Front street at right angles at the distance of twenty-three hundred and thirty (2330) feet westerly from the center of Broome street; thence along said line south thirty-two degrees west and parallel with Market street sixty-nine hundred and sixty-eight (6968) feet to the northerly side of Front street extended, twenty-three hundred and thirty (2330) feet westerly from the center of Broome street; thence continuing the same course over Front street to a point sixteen hundred and ninety (1690) feet from the southerly side thereof; thence south fifty-eight degrees east and parallel with Front street to the northerly side of the Christiana turnpike road; thence by a line running southerly and at right angles to said turnpike to a marked stone set in the bank at the southerly side of Christiana river; thence easterly parallel with Front street to the Delaware river aforesaid to a point therein one thousand yards from a marked stone set in the middle of the western bank of said river, and thence thereby northerly to the place of beginning; extended as follows, viz: by a

OF THE CITY OF WILMINGTON.

line beginning at a stone at the westerly side of the Brandywine creek at the point where the northerly boundary line intersects the same; thence easterly by a line running perpendicularly to and crossing the Wilmington and Great Valley turnpike road at right angles to a point intersected by a line running perpendicularly to the Philadelphia turnpike road; thence by said last mentioned perpendicular line southeasterly to a stone in the middle of said Philadelphia turnpike road about ninety feet northeasterly from Price's run; thence southeasterly and parallel to Vandever avenue to the northerly side of the Philadelphia, Wilmington and Baltimore railroad; thence by a line southeasterly and parallel to Thirteenth street to its intersection in the River Delaware with the northerly extension of the present water line or front of said city, and thence thereby southerly to its intersection with the northerly side of Thirteenth street; and further extended as follows, namely: By a line beginning at a point where the main roadway or tracks of the Philadelphia, Wilmington and Baltimore Railroad Company intersects the southerly city line; thence southwesterly along the center of said roadway of the said Philadelphia, Wilmington and Baltimore Railroad Company to line of lands of Henry Latimer; thence northwesterly along the line of said lands to a point where the said line extended crosses the center of the Wilmington and Newport turnpike road, and thence in a strait line northwesterly to the corner stone which marks the southwesterly boundary of the City of Wilmington, at the intersection of Beach and Union streets. Within the limits of the City of Wilmington, established by this act, the Mayor and Council of Wilmington shall be vested with all power, rights, privileges and immunities which before this time belonged to them as a municipal corporation; all the laws, ordinances and regulations in force within the former city limits, not modified or repealed by the provisions of this act and not locally inapplicable, shall be extended and applied to the territory comprised within the boundaries set forth in this act.

Extension of
boundaries.

Corporate
powers.

SECTION 2. The style and name of the corporation of the said city shall be "The Mayor and Council of Wilmington;" and by that name they shall be and are hereby made able and capable in law to have, take, purchase, receive, possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, implead and

Corporate
name and
authority.

OF THE CITY OF WILMINGTON.

be impleaded, answer and be answered, defend and be defended, in all courts of law and equity or any other place whatsoever, and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and generally to have all the privileges and franchises incident to a corporation or body politic.

CITY OFFICERS.

City officers. SECTION 3. The city officers shall be a Mayor, a Council to be composed of two members from each ward of said city, a President of said council who shall be *ex officio* a member and the presiding officer of said council, a Treasurer, an Auditor, a Solicitor, a High Constable, two Assessors who shall also be Collectors, one Inspector and two assistant Inspectors of election for each election district, and such other officers as the council by ordinance shall create and appoint.

Eligibility. SECTION 4. No person shall be eligible to any office who it not, at his election, a citizen of the state and a resident of the city. The mayor must have resided in the city two years next before his election. A member of council must also have resided in the city two years before his election, and must additionally be, at the time of his election, a resident in the ward in which he is elected and a freeholder in the city.

Clergymen ineligible. No ordained clergyman, or ordained minister of the gospel, of any denomination, shall be eligible to any office established under or by virtue of this act.

Oath of office. SECTION 5. Every officer of said city, before he enters upon the duties of his office, shall take an oath, or affirmation, to support the Constitution of the United States, and the Constitution of the State of Delaware, and that he will perform the duties of the office to which he has been elected, or appointed, with fidelity.

By whom administered. The oath or affirmation may be administered by any holding-over member of council to the president-elect, who, after being sworn or affirmed, may administer the oath or affirmation to new members of the city council, and in case of his absence the same may be administered by the president *pro tempore*.

MAYOR.

Mayor's election. SECTION 6. At the city election to be held on the first Saturday in June, A. D. 1885, and on the same day in every

OF THE CITY OF WILMINGTON.

third year thereafter, the voters in the respective election districts shall vote for a mayor, who shall be elected by a plurality of all the votes cast in the several election districts. The mayor shall hold office for the term of three years, commencing on the first day of July succeeding his election. Term.

SECTION 7. The mayor is hereby constituted a conservator of the peace within the said city, and it shall be his duty to take care to have the laws and ordinances of the said city faithfully executed. He shall have the custody of the seal of the corporation and the right of affixing the same. Duties.

SECTION 8. The mayor shall have power to take and certify under his hand and seal of office the acknowledgment of deeds, and letters of attorney, and the private examination of married women parties to such deeds, in like manner as a judge or notary public may do; for which service he shall receive a fee of seventy-five cents, and no more, whether there be one or more parties to the deed. May take acknowledgments, etc. Fee.

SECTION 9. The mayor shall also have authority within the city, in like manner as a preacher of the gospel, to solemnize marriages, and shall keep a like register, and certify an extract therefrom to the recorder of New Castle county in like manner, and shall receive the same fee, and be subject to the same penalties touching the solemnization of marriage, and the keeping a registry thereof, as is a preacher of the gospel under the existing or any subsequent laws of this State. Solemnizing marriages. Fee.

SECTION 10. In case of the temporary absence of the mayor from the city, or temporary disability to perform the functions of his office, the president of council shall, during the continuance of such absence or disability, assume and discharge the duties of mayor *pro tempore*, with all the powers and authorities of the mayor for the time being. In case of the inability of the president of council to act as mayor *pro tempore*, council shall make appointment of a mayor *pro tempore* from the members of council to act during such temporary absence, or inability to act, of the said mayor. In absence or disability of mayor, president of council may act.

SECTION 11. In case of the death, removal from the city, resignation, or refusal to act, of the mayor or any other elective officer of said city, or in case of the removal of any Appointments made by council to fill vacancies

OF THE CITY OF WILMINGTON.

Elections.
When held.

member of council out of the ward for which he was elected, the council shall make temporary appointments to supply such vacancies until the same can be filled by election under the provisions of this act. Such election shall be for the unexpired term of such officer, and shall take place at the first city election occurring more than nine days after the commencement of such vacancy, unless such vacancy shall occur in the last year of the term of said officer, in which case the temporary appointment of council shall be for the unexpired term of said officer, and until his successor shall be duly elected and qualified. The provisions of this section shall apply to any elective office to which a person who has been elected thereto shall be found ineligible, or shall fail to give bond for the faithful performance of the duties of his office (when such bond is required by law) before the time fixed for entering upon the duties of his office.

Seal.

SECTION 12. The seal now used as the seal of office of the said mayor shall continue to be used as such until the same shall be changed, altered, or renewed by the council.

Removal of mayor.

SECTION 13. The mayor may be removed by a vote of two-thirds of the whole council after a fair and impartial trial upon which he shall by such trial be found guilty of the charge or charges preferred against him. The reasons for the removal shall be entered on the journal.

MUNICIPAL COURT.

Municipal court.

SECTION 14. From and after the first day of June, A. D. 1883, there shall be and is hereby established within the said city a court of record and of law which shall be known by the name, style and title of "The Municipal Court for the City of Wilmington," and it shall be the duty of the Governor, before the first day of June aforesaid, to appoint and commission a city judge, who shall have power and authority to hold and keep said Court of Record. No person shall be eligible to the office of City Judge unless he be a man learned in the law and of at least seven years standing as a practising attorney in the Superior Court of this State. The city judge shall hold his office for the term of twelve years, unless sooner removed by the General Assembly. Upon his appointment he shall take the oath of office prescribed by Article VIII of the Constitution of this State. The terms of said court shall commence on the first Monday in each and every month and may be continued by adjournment as may be required. It

Governor to appoint city judge.

Eligibility.

Oath of office.

Terms of court.

OF THE CITY OF WILMINGTON.

shall be the duty of the council of said city, and the same is hereby authorized and directed, immediately after the passage of this act, to provide some suitable place in the city hall, or such other place as the council shall provide, for the holding of said municipal court, and all expenses of said court for books, records, writs, and other papers necessary for the said court, shall be paid by the council upon a bill presented to the same, verified by the affidavit of the city judge, and shall be paid in the same manner as other bills against said city are now paid. In case of the sickness or other temporary disability of the city judge, the associate judge of the Superior Court, resident in New Castle county, may, if he deem it necessary, either hold the said municipal court himself or designate in writing some suitable person who when so appointed shall have all necessary power and authority to do so. In the absence of the city judge, or any person so authorized to hold said court, the clerk thereof shall open and adjourn said court from day to day.

In case of disability of judge, who presides.

SECTION 15. The said municipal court shall have sole and exclusive jurisdiction to inquire of, hear, try, and finally determine all those criminal matters and offenses enumerated in the fifteenth section of the sixth article of the amended Constitution, and committed within said city, and to punish all persons convicted of said offenses, or any of them, agreeably to the laws of this State; and shall, except where in this act otherwise provided, have sole original jurisdiction to inquire of, hear, try, and determine all offenses which shall be committed within said city against any of the laws, ordinances, regulations or constitution of said city, and to punish the offender or offenders as by the said laws, ordinances, regulations, or constitution shall be prescribed; and also to impose fines according to law, and to levy the same, and to award process, take recognizance for keeping the peace for being of good behavior, and for appearance, or otherwise, or to commit the prisoner, as occasion shall lawfully require, without being accountable to the State for any fines or amercements to be imposed for the said offenses, or any of them, except such as are, or shall be, by law, made payable into the State treasury for offenses against the State. The said court shall have authority to punish contempt, and to issue all process necessary for the exercise of its jurisdiction, which process may be executed in any part of the State and it shall be the duty of all constables of said city to execute the same when placed in their hands, and any failure to

Jurisdiction of municipal court.

OF THE CITY OF WILMINGTON.

properly execute the same shall be punishable as a contempt of said court. Whenever any person shall be brought before any justice of the peace, or before the city judge sitting as a committing magistrate, charged with the commission of any of the offenses enumerated in the fifteenth section of Article VI of the Constitution of this State within the limits of the City of Wilmington, it shall be the duty of every such justice, and of the city judge sitting as aforesaid, to bind the person so charged, with sufficient surety for his appearance at the next term of the said municipal court, and if he do not give such surety, shall commit him for trial by such court. Such justice, and the city judge sitting as aforesaid, shall also bind material witnesses for their appearance without surety, unless he believes the witness will not appear and that the loss of his testimony ought not to be risked, in which case he may require surety and may commit the witness if it be not given.

Mode of trial.

SECTION 16. Prosecutions in the said municipal court shall be by information, without indictment by grand jury or trial by petit jury.

Solicitor prosecuting officer.

Appearance fee.

SECTION 17. The solicitor of said corporation for the time being shall be *ex officio* the prosecuting officer in the said municipal court, provided that the Attorney-General of the State shall have the right to prosecute in person, or by his deputy; and there shall be taxed for the appearance of said city solicitor a fee of two dollars, payable into the city treasury as provided in Section 27.

Clerk of municipal court

Duties

Shall give bond.

SECTION 18. The city judge shall appoint a suitable person to act as clerk of the said municipal court, who shall hold his said office of clerk at the pleasure of the said judge. The said clerk shall have care of the records of said court and the records of all proceedings had before said city judge, and he shall receive all fees, fines and costs arising out of any proceedings had in said court, or before said judge, and shall pay the same over as is hereinafter prescribed by law. He shall, within ten days after his appointment, give bond with sufficient surety or sureties to be approved by the said city judge in the sum of three thousand dollars to faithfully execute all the duties of the said office during his continuance therein, and in default of so doing the said city judge shall proceed to make a new appointment to said office.

Witness fees

SECTION 19. The fee for the attendance of a witness in said court, provided the witness is an inhabitant of said city,

OF THE CITY OF WILMINGTON.

shall be fifty cents per day. In all other cases, and for all other services, the fees shall be the same as are provided for like services by Chapter 125 of amended Revised Code.

SECTION 20. There shall be no appeal from said municipal court to the Court of General Sessions of the Peace and Jail Delivery, except in the case hereinafter provided; but the proceedings of the said municipal court shall be subject to revision by the Superior Court in and for New Castle county upon writs of certiorari, and after its judgments shall be affirmed, or reversed, the said municipal court may proceed to execution, or otherwise, as shall according to law appertain; *provided* that before the issuing of such writ of certiorari the party applying for the same shall enter into a recognizance to the Mayor and Council of Wilmington, in a penalty and with surety to be approved by the prothonotary of said Superior Court, and with condition that the said party, so applying for the same, shall prosecute said writ with effect, or otherwise that he will in all things abide the judgment of the said municipal court if he shall fail to make his plea good or the same be affirmed by the Superior Court; which recognizance shall be entered upon the docket succeeding the entry of the certiorari and shall be a part of the record of the same.

Appeal.

Certiorari.

Recognizance.

SECTION 21. Upon an information in the municipal court for a nuisance (other than a nuisance against the public health) affecting the public streets, lanes, or alleys of the city, if the party against whom the same is filed shall, by affidavit, claim a right of property in that part of the street, lane, or alley, in which the offense is alleged to have been committed, either in himself or those under whom he holds, and shall also aver, in the said affidavit, that the said claim of property is made in good faith for the purpose of defense and not for delay, proceedings in said court shall be stayed, and the clerk shall forthwith transmit to the clerk of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county a copy of the record, under the seal of the municipal court, to be filed in the said Court of General Sessions, and thereupon the case shall be proceeded in at the next term of the said court upon the information set forth in the copy of the said record, in like manner and with like effect as upon an indictment for the like offense.

Nuisance affecting street, lane, or alley.

Right of property.

Transmission of record to court of general sessions.

SECTION 22. Before staying proceedings under the foregoing section, the municipal court shall cause the party

Recognizance.

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against whom the information is filed to enter into a recognizance to the State of Delaware to appear in the said Court of General Sessions, at the next term thereof, and plead to the said information.

Court may
commit.
When.

Right of
appeal.

Surety.

SECTION 23. Upon failure of a defendant to satisfy any judgment which may be rendered by the municipal court against him for the violation of a city ordinance, it shall be within the discretion of the municipal court to commit the defendant to the custody of the high constable until the judgment shall be fully satisfied; but any person so committed may, within three days thereafter, appeal from any judgment so rendered against him to the Superior Court for New Castle county. Such person appealing shall enter into recognizance with sufficient surety in such sum as the said municipal court shall determine, conditioned for the due prosecution of the appeal and for the payment of any judgment which may be rendered in said court against the appellant or his executors or administrators. The filing of a transcript, modes of trial, and forms of proceeding shall be as in cases of appeal from the judgments of justices of the peace.

Seals of
court and
city judge.

SECTION 24. The said city judge shall, immediately upon his appointment, procure, or cause to be procured, a seal for said municipal court, and a further seal as city judge, with suitable designs; and said seals shall be the seal of said court and the seal of the said city judge respectively until altered or renewed by the council, at the request, in writing, of said city judge. The cost of procuring the said seals shall be paid by the council when certified to be correct by the said city judge.

Witness fees.
How paid.

SECTION 25. All fees for the attendances for the prosecution in any criminal case or proceeding had in the said municipal court in which it shall be determined by the said court that the said case or proceeding ought to be dismissed as against the defendant therein, shall be paid out of the city treasury; *provided* that nothing in this section shall authorize the payment of witness fees to any person who shall at the same time be a high or other city constable. The payment of such fees shall be by a warrant of the clerk of said court, directed to the city treasurer, setting out the case in which and the person to whom such fee is due, and such warrant

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shall be signed by the judge of said court and approved by the city auditor. The said warrant shall be made payable to the person to whom such witness fees are due.

SECTION 26. The city judge is hereby constituted a conservator of the peace within the City of Wilmington, and shall have power, as a committing magistrate, to commit for trial at the proper court all persons charged with a breach of any of the laws of this State, or with a breach of any of the laws, ordinances, regulations or constitution of the City of Wilmington. He may also punish by fine, not exceeding ten dollars, all breaches of the peace committed within said city punishable by any law of this State and not herein made cognizable by the municipal court for said city, where the offense is not of a high or aggravated nature, if, after a hearing, he shall be satisfied that the case ought not to be submitted to a higher jurisdiction; otherwise he shall commit or bind the defendant for his appearance at the proper court to answer the charge, and shall also bind the witnesses for their appearance, and may require surety of them if necessary. The fees to be charged for services under this section shall be the same as those authorized to be charged by justices of the peace in like services, and shall be collectable in like manner, for the use of the city, as provided in Section 27. The process issued by the said city judge, sitting as a committing magistrate, shall be the same as is issued by justices of the peace in like cases, and all such process may be directed to the city constables and shall be executed by them in like manner as process issued out of the said municipal court, and any failure to properly execute said process shall be punishable by said city judge as a contempt.

SECTION 27. The same fees, costs and charges which in any similar proceeding are now taxable for the services of the mayor or any justice of the peace shall be taxed for the services of the judge of the said municipal court, and all fees, costs and charges which are so taxed, and all fees, costs, and charges, including the fee for the attendance of the city solicitor, together with witness fees for the services or attendance of any high or other city constable in said court, shall be and are hereby made payable into the city treasury; and it shall be the duty of the clerk of said court to make out, by the first Tuesday of every month, a detailed statement of the causes tried in the said municipal court during the month last past, having set out therein an itemized account

OF THE CITY OF WILMINGTON.

Contents. of all fines, costs, charges and fees by this act made payable into the city treasury and in his hands, which statement shall be approved by the city auditor. Upon such approval the said clerk shall forthwith pay into the hands of the city treasurer all such fines, fees, costs and charges in his hands.

Payment to
city treas-
urer.

Judge may
take ac-
knowledg-
ments, etc.

Fee.

SECTION 28. The said judge of the municipal court shall also have power to take and certify under his hand and the seal of the municipal court, acknowledgments of deeds, mortgages, and letters of attorney, and the private examinations of married women parties to such deeds and mortgages, in like manner as a notary public may do; for which duty there shall be charged a fee of seventy-five cents, and no more, whether there be one or more parties to the deed, and such fees shall be paid to the clerk for the use of the city.

COUNCIL.

Council.
How com-
posed.
Term of
office.
President.

Election of
members.

Rule.

SECTION 29. The council shall consist of twenty-two members to be elected for two years, so that there shall be two members of council from each ward, and in addition thereto there shall be a president of council, who shall be elected biennially by a plurality of all the votes cast in the several wards. The president of council shall be the presiding officer and a member of the said council. To the end that eleven members of council shall be chosen annually in regular order, besides supplying vacancies, the following rule shall be observed in the election of members of council, viz: At the annual election in June, A. D. 1883, there shall be elected, in each of the wards of the city, one member of council to hold office for the term of two years, and at the election annually thereafter, in each ward, one member of council for two years, besides the election for the city at large of the president of council, who shall be elected at the city election occurring in June A. D. 1884 and biennially thereafter, the present president of council and the present members of council respectively holding their several offices during their respective terms as is now provided by law. The above provisions shall be taken and construed to be subject to the provisions in Section 11, preceding.

Meetings.

Special
meetings.
How called.

SECTION 30. The council shall hold a meeting for organization annually on the Tuesday evening next ensuing the annual city election, and shall further meet at least once in every month at such time or times and place as it shall appoint. Special meetings may be called by the mayor upon

OF THE CITY OF WILMINGTON.

his own motion, or shall be called at the request of five members. The sittings of the council shall be public. It shall be the judge of the election returns and qualifications of its members, and of all other officers of the corporation. It shall choose its officers except where otherwise provided for in this charter. It shall determine the rules of its proceedings and keep a journal of the same. Twelve members shall constitute a quorum to do all business. No ordinance shall be passed without the concurrence of a majority of all the members of the council and unless it shall have had at least two readings at a previous stated meeting or meetings, nor shall any ordinance be repealed unless notice shall have been given and entered on the journal of the council at a stated meeting that at the next succeeding stated meeting an ordinance would be introduced for such repeal. All questions shall, upon the call of two members, be taken by ayes and noes, which shall be entered upon the journal. All elections for officers to be appointed by the same, shall be by ballot and by a majority of votes of all the members of the council.

Sittings
public.
Judge of its
members.

Officers.

Rules and
journal.
Quorum.
Ordinances.

Passage.

Repeal.

Ayes and
noes.
Election of
officers.

SECTION 31. The members of council shall constitute the legislative body of said city, and shall be denominated, when assembled, "The Council." The council shall have power to enact ordinances to preserve the health of the city, and to prevent the introduction of infectious or contagious diseases, for which purpose its jurisdiction shall extend to any distance within one mile of the limits of the city. The council may also pass ordinances to define and remove nuisances; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and amend the same, and provide for the paving thereof, or to alter, extend, or widen any street, square, lane, or alley, or open and lay out new ones, subject to the provisions in that behalf hereinafter contained; to regulate and fix the ascent and descent of all streets, lanes and alleys; to direct the paving of footways and to prescribe the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors and other inlets to buildings; to provide night watches and for the lighting of streets at the expense of the corporation, and generally to prescribe and regulate the use of the highways, streets, squares, lanes and alleys of the city, and to have and exercise control over the same, subject to the provisions in that behalf hereinafter contained and to the general supervision and control of the General Assembly; to provide for the regulation of auctions and auc-

Legislative
branch.

Powers.

Prevention
diseases.

Nuisances.

Streets.

Ascents and
descents of
the same.
Footways.
Gutters.

Steps.

Porches.

Night
watches.
Lighting
streets.

Auctions.

OF THE CITY OF WILMINGTON.

| | |
|--|---|
| Docks. Wharves. | tioneers; for cleaning docks and regulating wharves of the city; also to regulate public amusements; to fix and declare |
| Cordage of wood and bark. | the weight of bread and size of brick; to regulate the cordage of wood and bark, and to determine what may be esteemed |
| Party walls. | merchantable; to appoint wood-corders and establish their fees; to regulate party walls; to provide for the safety of the |
| Markets. | citizens, and for that purpose may prescribe the height, thickness of walls and material of buildings and the mode |
| Prevention of adultera- tion of milk. | of erecting the same within said city, and for providing for and securing the safety of the inmates thereof, and may make provision for the enforcement of such regulations; to erect |
| | market houses, and to provide for and regulate markets; to provide against the adulteration of milk and cream sold or |
| | brought to be sold in the said city, and to provide for the proper inspection of the same; to provide for the proper |
| | lighting of the streets, squares, lanes and alleys of said city, and in its discretion to provide for the payment of the ex- |
| | penses thereof; to regulate the sweeping of chimneys and establish the rate therefor; to appoint gaugers, inspectors of |
| Inspectors of provisions lumber, hay. | salted provisions, and inspectors and measurers of lumber, and to establish their fees; to provide for the weighing of hay, |
| Measuring and weigh- ing coal, lime, etc. Gunpowder. | and for the measuring or weighing of coal, lime, grain, or any other matter sold in the said city; to regulate the storage |
| Levy fines on keepers of dogs, etc. | of gunpowder or any other dangerously combustible matter. They shall have power to lay and collect fines on the owners |
| | or harborers of any dog or hog which may be found at large in any of the streets, lanes, or alleys of the city aforesaid, |
| General powers. | and in general shall have power to do all those matters and things for the well being of the said city which shall not be |
| | in contravention of any existing laws of this State or the constitution thereof. Every bill which, after the passage of |
| | this act, shall have passed the council, shall, before it becomes an ordinance of said city, be presented to the mayor of said |
| | city. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the council, who shall enter |
| | the objections at large on their journal and proceed to reconsider it. If after such consideration two-thirds of all the |
| | members of the council shall agree to pass the bill, and it shall be so passed, it shall become an ordinance of said city. |
| | If any bill shall not be returned to the council by the said mayor within ten days (Sundays excepted) after the same |
| | shall have been presented to him, the same shall become an ordinance in like manner as if he had signed it. In all such |
| | cases the votes of council shall be determined by yeas and nays, and the names of the persons voting for and against |

OF THE CITY OF WILMINGTON.

the bill shall be entered on the journal of the council. The council shall not have power to pass any ordinance exempting any individual from the operation of any general ordinance or municipal regulations.

CITY TREASURER.

SECTION 32. At the city election to be held on the first Saturday in June, A. D. 1884, and on the same day in every second year thereafter, the voters in the respective election districts shall vote for a city treasurer who shall be elected by a plurality of all the votes cast in the several election districts. The city treasurer shall hold office for the term of two years, commencing on the first day of July succeeding his election. Election of city treasurer.

SECTION 33. The city treasurer shall, before entering upon the duties of his office, give bond to "The Mayor and Council of Wilmington," in such amount as shall be determined by the council, with surety to be approved by the mayor and president of council, conditioned for the faithful performance of the duties of his office, with a warrant of attorney for the confession of judgment thereto annexed. Bond. Warrant of attorney.

SECTION 34. All moneys belonging to the city which shall come into the hands of the city treasurer, shall be by him deposited, every day, in some incorporated banking institution or institutions to be designated by council, in the name of "The Mayor and Council of Wilmington," generally, except in the case of money-proceeds arising out of a bonded debt authorized by the General Assembly for a specific purpose or use, in which case such money-proceeds shall be deposited in the name of the Mayor and Council of Wilmington for the special purpose or use for which the debt was authorized and shall only be drawn out for such special purpose or use. All moneys so deposited shall be drawn out only on an order signed by the president and clerk of council, and countersigned by the city auditor and city treasurer, or in case of the absence or temporary disability of either, then by such person as the council may designate by resolution and the others. Moneys, Where deposited. How drawn out.

SECTION 35. The city treasurer shall furnish to the council, at each stated meeting, an itemized statement of all moneys received by him during the period between such stated meeting and the one immediately preceding, together City treasurer to furnish itemized statement of moneys received.

OF THE CITY OF WILMINGTON.

with the aggregate amount paid out of the city treasury during said week and the balance remaining therein at the time of making said statement. If the city treasurer shall pay any money out of the city treasury contrary to the provisions of this act, he shall forfeit and pay to the corporation, for every such offense, a fine of five hundred dollars, and he and his sureties shall be liable to the city upon his official obligation for any money so paid out by him.

Penalty.

Fine.

Sureties.

SECTION 36. The city treasurer shall perform such other duties as are hereinafter prescribed by this act, or by such ordinance or ordinances as council shall from time to time enact, and which are not inconsistent with the provisions of this act. The council may enforce by suitable penalties any duties enjoined by this act or by such ordinance or ordinances aforesaid, except where penalties are provided by this act.

CITY AUDITOR.

SECTION 37. At the third stated meeting in June, A. D. 1884, and on the same day in every third year thereafter, council shall elect a person to discharge the duties of city auditor. The city auditor shall hold office for the term of three years, commencing on the first day of July after his election. The present city auditor shall hold office until the first day of July, A. D. 1884.

Election of
city auditor.

Term.

Bond.

Return to
city treas-
urer, and
payment of
moneys re-
ceived.

SECTION 38. The city auditor, before entering upon the duties of his office, shall, with sufficient surety or sureties, become bound to the city by a joint or several obligation, to be, with surety or sureties therein, approved by the finance committee, with a condition therein for the faithful performance of his duty; and shall, so often as the council shall direct, make return to the city treasurer, under oath or affirmation, of each item of the moneys received by him, and immediately pay the amount in his hands to the city treasurer.

Duties of
Auditor
defined.

SECTION 39. The duties of the city auditor shall be such as are prescribed by this act, or as the council shall, by ordinance not inconsistent with the provisions of this act, from time to time prescribe, and council may enforce the same by suitable penalties. Among his other duties the city auditor shall examine all bills against the city and indorse them as correct before they are presented to council

OF THE CITY OF WILMINGTON.

for payment. He shall also examine and countersign all drafts or orders upon the city treasurer before they shall be paid, and withhold his signature in case the draft or order is made without sanction of law, without any appropriation therefor by council regularly made, is drawn against a wrong fund, or with any circumstances of fraud actually or presumably attached thereto, in all of which cases he shall report his action and the grounds therefor to council at its ensuing meeting. Council shall thereupon duly, carefully and publicly consider the case, and shall sustain or overrule his action by a direct vote by yeas and nays upon the question; whereupon it shall be the duty of the city auditor, in case he shall be overruled, to countersign the said draft or order, in which case he shall be exonerated from all imputation or responsibility in the premises.

Duty of city council.

CITY SOLICITOR.

SECTION 40. At the third stated meeting in June, A. D. 1884, and on the same day in every third year thereafter, council shall elect a city solicitor. The person so elected city solicitor must be an attorney and counsellor of the Superior Court of this State, who shall have been admitted to practice therein at least five years prior to his election, and shall also be a solicitor in the Court of Chancery. The city solicitor shall hold office for the term of three years, commencing on the first day of July after his election. The present city solicitor shall hold office until the first day of July, A. D. 1884.

Election of city solicitor

Qualifications.

Term of office.

SECTION 41. The city solicitor shall be the legal adviser of all the departments of the government of said city, and shall have charge of all the legal business thereof, and no fees shall be paid by any of said departments for any legal services to any person who shall have been employed without the approval of said city solicitor. The said solicitor shall perform such duties as are prescribed by this act and by such ordinance or ordinances as council shall from time to time enact, and which are not inconsistent with the provisions of this act, and council may enforce the performance of said duties by suitable penalties, except where penalties are provided in this act.

Duties.

CITY CONSTABLES.

SECTION 42. The mayor for the time being, shall have the power and authority and shall appoint the high constables.

Appointment of constables.

OF THE CITY OF WILMINGTON.

Duties and powers. stable and other city constables, and shall have the power to supply by new appointments all vacancies that may occur in said office of constable, and may, in his discretion, remove or suspend any constable from office. The number of city constables, so to be appointed, shall be defined by ordinance. The high constable, and the other city constables shall assist the mayor in carrying into effect the ordinances of the city, and shall perform all such duties as may be prescribed by act of the General Assembly, or by the ordinances of the city. They shall possess like powers within the county of New Castle as are possessed by the constables of the county.

Qualifications. SECTION 43. No person shall be appointed, or after the passage of this act continued, a city constable who is not a citizen of the United States, or who has been convicted of crime, or who cannot read and write understandingly in the English language, or who shall not have resided within the State at least one year preceding his appointment. Nor shall any person be appointed such constable, except upon the certificate of the physicians who shall be for the time being members of the board of health, or a majority of them, that he has been found upon examination to be physically sound and is in their judgment qualified to discharge the duties of the office, that his weight is not less than one hundred and thirty pounds, and that his height is not less than five feet four inches.

Appointment of patrolmen. SECTION 44. The mayor may appoint, and cause to be sworn in, any number of patrolmen to do duty at any place in the city designated by and at the charge and expense of the person or persons who may ask for such appointment, and may change or remove them at pleasure. They shall be subject to and obey the orders, rules and regulations governing city constables, and conform to the general discipline and special regulations of the police department.

Duties.

Special constables. When appointed. SECTION 45. The mayor may, upon any emergency, or apprehension of riot or mob, take command of the police force and appoint as many special constables as he may deem advisable. During their service the special appointees shall possess the powers and perform the duties of other city constables, and shall receive such compensation as shall be authorized by the mayor, not exceeding that of the officers of the regular force performing corresponding duties. The

Duties and powers.

OF THE CITY OF WILMINGTON.

mayor shall have power to summon the *posse comitatus* for the preservation of the public peace and hold and employ such *posse* subject to his direction. Power of mayor.

SECTION 46. No high or other constable shall, while on duty, enter any drinking saloon or other place where liquors are sold to be drunk on the premises, except for the purpose of discharging the duties of his office, under penalty of immediate dismissal. Privileges of constables. No such constable shall be a member of any political committee, or delegate to any political convention, or shall be present at any such convention, or at any primary, special or general election except in full official uniform (discharging the duties of his office as constable) or shall, at such place or in any public place, engage in any political solicitation, nor shall any such constable, nor any special constable, on the day of any election held within the limits of said city, be within the distance of thirty feet of any voting place, except for the purpose of depositing his vote or to quell an actual disturbance of the public peace, nor shall he in any manner attempt to influence a voter as to the casting of his ballot; and any violation of the provisions of this section shall work a forfeiture of his position, and it shall be the duty of the mayor to dismiss him from office and enter upon record the cause of such dismissal, and he shall not be eligible for reappointment. Power of mayor to dismiss. Any violation of the provisions of this section shall also be a misdemeanor, and any such constable being convicted thereof shall forfeit and pay to the State of Delaware a fine not exceeding one hundred dollars, or be imprisoned for a term not exceeding six months, or both, at the discretion of the court. Penalty for violation. Upon complaint made against any such constable, to the municipal court, verified by affidavit, if said constable, after hearing, shall be committed or bound for his appearance at the Court of General Sessions of the Peace and Jail Delivery to answer the charge, such constable shall be suspended from his office pending his trial. Upon conviction *ipso facto* he shall forfeit his office.

SALARIES AND FEES.

SECTION 47. The salaries of the several officers herein provided for shall be fixed from time to time by ordinance, payable monthly, and shall not be less per annum than the following amounts respectively: Salaries of officers.

Mayor—Fifteen hundred dollars;

Judge of Municipal Court—Fifteen hundred dollars;

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President of Council—Two hundred dollars;
 Clerk of City Council—Fifteen hundred dollars;*
 City Solicitor—Twelve hundred dollars;*
 City Treasurer—Twelve hundred dollars;
 City Auditor—Twelve hundred dollars;*
 Chief Engineer of the City—Two thousand dollars;*
 Clerk of Municipal Court—Six hundred dollars;
 Each Member of Board of Health—One hundred dollars;
 Each Executive Officer of Board of Health—Five hundred dollars;*
 Registrar of Deaths, Births and Marriages—Eight hundred dollars;
 Member of Board of Assessment, Revision and Appeals—Three hundred dollars;
 High Constable—Twelve hundred dollars;
 City Constables, each—Seven hundred and twenty dollars;
 Member of Council—\$1 for each meeting of council, and fifty cents for each committee meeting he shall attend, and the chairman of each committee shall keep a record book in which he shall enter the attendance of all members of the committee of which he is chairman, and report the same monthly to the clerk of the council.

Not to be increased or decreased during term of officer.

Proviso.

The salaries of officers of the city, other than those above designated, shall be established by ordinance; but the council shall not have power to augment or reduce the salary of any officer for and during the period for which he shall have been elected or appointed; *provided*, that with respect to any person who may be in office at the time of the passage of this act, the council may, if the sum herein named shall be deemed by said council inadequate as compensation for the duties herein or hereafter imposed upon any officer, increase any of said salaries by ordinance passed prior to the first day of September next ensuing the passage of this act.

No additional fees allowed.

No officer whose salary is fixed by this act, or by ordinance of said council, shall receive any fees or emoluments in addition thereto, except such fees as are provided in this act; but all fees or emoluments pertaining to said offices, except as aforesaid, shall be paid monthly by the persons receiving the same to the city treasurer for the use of the city, taking his receipt therefor, which sum so received shall be reported to the council by said treasurer at the next stated meeting of council after the receipt thereof. *Provided however*, that whenever any city official is called by city business outside

*Amendments—Chapter 209, current volume.

OF THE CITY OF WILMINGTON.

of the city limits, council shall allow to such city official his actual traveling expenses and such other reasonable compensation as may by council be deemed proper.

SECTION 48. It shall be the duty of the high constable of said city, or other person who may be the keeper of the prison cells in said city, or in charge thereof, to receive and lock up and safely keep in said cells any person committed by any judgment or sentence of the municipal court of said city, or of any justice of the peace resident of said city, for the violation of any of the provisions of the laws of this State, or of the provisions of this act, or of the ordinances of said city, for temporary confinement, until such person, committed as aforesaid, may be taken to the common jail of New Castle county by the officer to whom such person may have been committed, and the actual cost for all meals, medical attendance and medicines furnished such person so committed as aforesaid, by the said high constable, or other person keeper of said cells or in charge thereof, shall be paid by the council, after an itemized bill thereof, verified by the affidavit of the person furnishing the same, audited by the city auditor in the same manner as other bills against the said city are now paid, shall have been presented to the said city.

Duty of high constable and keepers of city prisons.

Expenses. How borne.

WARDS AND ELECTION DISTRICTS.

SECTION 49. The City of Wilmington shall be divided into eleven wards, as follows:

Wards and election districts.

The First Ward shall consist of all that part of the city lying and being south of Sixth street, and bounded on the east by a line passing southerly through the middle of Market street extended to the southerly city line, and on the west by a line passing southerly through the middle of Washington street extended to the southerly city line;

First ward.

The Second Ward shall consist of all that part of the said city east of Market street and south of Third street;

Second.

The Third Ward shall consist of all that part of the said city lying and being south of Sixth street and bounded on the east by a line passing southerly through the middle of Washington street extended southerly to the point of intersection with the middle of West Liberty street extended, on the west by a line passing southerly through the middle of Adams street to the point of intersection with the middle of West Liberty [street] extended, on the west by a line passing

Third.

OF THE CITY OF WILMINGTON.

southerly through the middle of Adams street to the point of intersection with the middle of Maryland avenue, and having for its general southerly boundary a line commencing at the point of intersection of the middle of Adams street with the middle of Maryland avenue; thence along the middle of Maryland avenue to its intersection with the middle of West Liberty street extended, southeasterly to its intersection with the middle of Washington street extended southerly;

Fourth. The Fourth Ward shall consist of all that part of the said city lying and being east of Market street and between Third street and Sixth street;

Fifth. The Fifth Ward shall consist of all that part of the said city lying and being west of Market street and between Sixth street and Ninth street;

Sixth. The Sixth Ward shall consist of all that part of the said city lying and being east of Market street and west of Poplar street, between Sixth street and Brandywine river;

Seventh. The Seventh Ward shall consist of all that part of the said city lying and being west of Market street and between Ninth street and the northerly boundary line of the said city as established by an act of the General Assembly, passed at Dover, March 7th, A. D. 1861;

Eighth. The Eighth Ward shall consist of all that part of the said city lying and being east of Poplar street and between Sixth street and the Brandywine river;

Ninth. The Ninth Ward shall consist of all that part of the said city lying and being north of the northerly boundary line established as aforesaid;

Tenth. The Tenth Ward shall consist of all that part of the said city lying and being west of Adams street and bounded on the north by Sixth street, and on the south by Linden street;

Eleventh. The Eleventh Ward shall consist of all that part of the said city lying and being within the following boundary lines, to wit: Beginning at the intersection of the middle of Linden street with the westerly city line; thence along the middle of Linden street easterly to its intersection with the middle of Maryland avenue; thence along the middle of Maryland avenue northeasterly to its intersection with the middle of West Liberty street; thence southeasterly along the middle of West Liberty street extended to its intersection with Washington street extended southerly; thence southerly along the middle of Washington street extended to its intersection with the present southerly city line; thence by the said southerly city line northwesterly to its intersection with the center of the main roadway or tracks of the Philadelphia, Wilmington

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and Baltimore Railroad Company, and thence by the extended boundaries as described in Section 1 of this act to the corner stone marking the city line at the intersection of Beech and Union streets, and thence northerly by the present city line to Linden street, the place of beginning.

Wherever a street is named as a boundary in this section, the center or middle thereof shall be understood.

*SECTION 50. For the purpose of holding elections for city, state and county officers, in Wilmington city and hundred, the city shall be divided into twenty-six election districts. City divided into twenty-six election districts. districts as follows, to wit:

All that portion of the First Ward lying and being south of Third street shall form the First Election District; First district

All that part of the First Ward lying and being north of Third street shall form the Second Election District; Second.

All that part of the Second Ward lying and being south of the Christiana creek or river shall form the Third Election District;

All that part of the Second Ward lying and being north of the Christiana creek or river shall form the Fourth Election District; Fourth.

All that portion of the Third Ward lying and being south of Fourth street and east of Madison street shall form the Fifth Election District; Fifth.

All that portion of the Third Ward lying and being south of Fourth street and west of Madison street shall form the Sixth Election District; Sixth.

All that portion of the Third Ward lying and being north of Fourth street shall form the Seventh Election District; Seventh.

All that portion of the Fourth Ward lying and being west of Lombard street shall form the Eighth Election District; Eighth.

All that portion of the Fourth Ward lying and being east of Lombard street shall form the Ninth Election District; Ninth.

All that portion of the Fifth Ward lying and being east of Washington street shall form the Tenth Election District; Tenth.

All that portion of the Fifth Ward lying and being west of Washington street and east of Adams street shall form the Eleventh Election District; Eleventh.

All that portion of the Fifth Ward lying and being west of Adams street shall form the Twelfth Election District; Twelfth.

All that portion of the Sixth Ward lying and being south of Eighth street shall form the Thirteenth Election District; Thirteenth.

*Amendment—Chapter 208, current volume.

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- Fourteenth. All that portion of the Sixth Ward lying and being north of Eighth street and south of Tenth street shall form the Fourteenth Election District;
- Fifteenth. All that portion of the Sixth Ward lying and being north of Tenth street shall form the Fifteenth Election District;
- Sixteenth. All that portion of the Seventh Ward east of Franklin street and south of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Sixteenth Election District;
- Seventeenth. All that portion of the Seventh Ward lying and being east of Franklin street and north of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Seventeenth Election District;
- Eighteenth. All that portion of the Seventh Ward lying and being west of Franklin street shall form the Eighteenth Election District;
- Nineteenth. All that portion of the Eighth Ward lying and being south of Eighth street shall form the Nineteenth Election District;
- Twentieth. All that portion of the Eighth Ward lying and being north of Eighth street and south of Tenth street shall form the Twentieth Election District;
- Twenty-first. All that portion of the Eighth Ward lying and being north of Tenth street shall form the Twenty-first Election District;
- Twenty-second. All that portion of the Ninth Ward lying and being east of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-second Election District;
- Twenty-third. All that portion of the Ninth Ward lying and being west of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-third Election District;
- Twenty-fourth. All that portion of the Tenth Ward lying and being north of Second street shall form the Twenty-fourth Election District;
- Twenty-fifth. All that portion of the Tenth Ward lying and being south of Second street shall form the Twenty-fifth Election District;
- Twenty-sixth. The Eleventh Ward, as at present defined and bounded, shall form the Twenty-sixth Election District.

Whenever a street is mentioned as a boundary in this section, the centre line or middle thereof shall be understood.

OF THE CITY OF WILMINGTON.

*SECTION 51. The polling places in the several election districts above designated shall be as follows :

- | | |
|---|----------------------------------|
| In the First Election District, at the house situated on the northeast corner of Second and Tatnall streets; | Voting places. First district |
| In the Second Election District, at the house situated on the northeast corner of Second and Orange streets; | Second. |
| In the Third Election District, at the house situated on the southeast corner of Heald and Apple streets; | Third. |
| In the Fourth Election District, at the house known as the "Felton House," on the southeast corner of Second and Walnut streets; | Fourth. |
| In the Fifth Election District, at the house situated on the northeast corner of Christiana and Madison streets; | Fifth. |
| In the Sixth Election District, at Witsil's store, on the southwest corner of Front and Madison streets; | Sixth. |
| In the Seventh Election District, at the house situated on the southeast corner of Fifth and Madison streets; | Seventh. |
| In the Eighth Election District, at the house on the northwest corner of Fourth and French streets; | Eighth. |
| In the Ninth Election District, at the house situated on the southwest corner of Fifth and Spruce streets; | Ninth. |
| In the Tenth Election District, at the LaFayette Hotel, situated on the southwest corner of Ninth and Shipley streets; | Tenth. |
| In the Eleventh Election District, at the house situated on the northeast corner of Sixth and Madison streets; | Eleventh. |
| In the Twelfth Election District, at some convenient place in said district, to be chosen by the inspector and assistant inspectors of said district, or any two of them; | Twelfth. |
| In the Thirteenth Election District, at the Askew building, situated on the northeast corner of Seventh and Market streets; | Thirteenth. |
| In the Fourteenth Election District, in the building now owned by McLear and Kendall, situated on east side of King street, below Ninth street; | Fourteenth. |
| In the Fifteenth Election District, at the house situated on the southwest corner of Fourteenth and King streets; | Fifteenth. |
| In the Sixteenth Election District, at the house situated on the southwest corner of Tenth and Orange streets; | Sixteenth. |
| In the Seventeenth Election District, at the school house known as the Howard School, situated on the east side of Orange street, between Twelfth and Thirteenth streets; | Seventeenth. |
| In the Eighteenth Election District, at the house known as the "Logan House;" | Eighteenth. |

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- Nineteenth. In the Nineteenth Election District, at the house situated on the northwest corner of Sixth and Church streets;
- Twentieth. In the Twentieth Election District, at the house situated on the northeast corner of Eighth and Kirkwood streets;
- Twenty-first. In the Twenty-first Election District, at the house situated on the southwest corner of Eleventh and Lombard streets;
- Twenty-second. In the Twenty-second Election District, at the house situated on the southeast corner of Thirteenth and Heald streets;
- Twenty-third. In the Twenty-third Election District, at the house known as the "Brandywine Academy;"
- Twenty-fourth. In the Twenty-fourth Election District, at the house situated on the southeast corner of Third and Van Buren streets;
- Twenty-fifth. In the Twenty-fifth Election District, at the house situated on the northeast corner of Chestnut and Van Buren streets;
- Twenty-sixth. In the Twenty-sixth Election District, in the house situated at the northwest corner of Maryland avenue and Beach street.

If any of the above voting places cannot be secured, inspectors may choose place

Whenever, for any reason, any of the polling places designated above cannot be secured, the inspector and assistant inspectors, or any two of them, shall have power to choose some convenient place in the district to be used as a polling place. At the places named in this section shall be held the general election, all special elections for members of the General Assembly and representative or representatives in Congress, election for electors of president and vice-president of the United States, and elections for assessors of Wilmington hundred, and for inspectors and assistant inspectors of said districts.

What elections held.

CITY ELECTIONS.

Elections by ballot. SECTION 52. All elections shall be by ballot, and a plurality of votes cast shall make a choice.

City elections. SECTION 53. At all city elections every male citizen of the age of twenty-one years and upwards, having resided within said city for three months next previous to the election and in the election district where he offers to vote for thirty days next preceding the election, and being otherwise qualified to vote at all State elections, and none others, shall be entitled to vote. If any person who may have had his domicile in said city shall actually remove to another place with the intention of remaining there an indefinite time as a place of domicile, he shall thereby lose his qualification of residence, notwithstanding he may entertain a floating intention to return at some future time.

Who entitled to vote.

OF THE CITY OF WILMINGTON.

SECTION 54. At every annual city election in June, the qualified voters of each election district shall elect from among themselves an inspector and two assistant inspectors of election, who shall act as such for the election in such election district in the following year. The qualified voters of each ward shall, at the same time, choose a member of council for their ward, resident in the ward. A member moving out of his ward shall thereby lose his office, and the city council shall fill the vacancy. For choosing the assistant inspectors of election each voter shall vote for one person as assistant, and the two persons having the highest number of votes thus given shall be elected. Any ticket containing the name of more than one person for assistant inspector shall not be counted as to that office.

Election of
inspectors
and assist-
ants.

Qualifica-
tion of voters

SECTION 55. If any inspector and assistant inspector of election for any election district, or two of them, shall die, remove, resign, refuse, or be unable to act, so that there shall not be two of said officers to preside and advertise a place of election for the election district, the city council shall, by appointment, supply such vacancy. And if at the time for opening any election the inspector, or an assistant inspector of election, be not present at the place of election, the voters there may, without ballot, by plurality choose a person to supply the place of such absent inspector or assistants.

Vacancies.
How filled.

SECTION 56. Before opening the election, the inspector and assistant inspectors of election shall take the following oath, or affirmation, to be administered by the inspector to the assistants respectively, and by either of the assistant inspectors to the inspector, viz; "I do solemnly swear, (or affirm,) that I will, this day, in conducting the city election of Wilmington, determine and act, in every particular, with impartiality and faithfulness, and that I will not do or consent to the doing of any wrong, in any respect, and that I will cause, to the best of my ability, a true return of the election to be made. So help me God; (or so I solemnly affirm.)"

Oath of
office.

SECTION 57. Upon closing the election, the inspector and assistants of election of each election district shall count the votes cast in such election district, depositing each ballot as it is counted in a box provided for that purpose. Before separating, they shall make a certificate under their hands, or the hands of a majority of them, showing the persons

Counting
votes.

Certificates
of election.

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elected as inspector and assistants of election for such election district, and also showing the state of the vote for mayor, president of council, member or members of council, assessor, and city treasurer, (when they or any of them shall have been voted for according to law) setting forth, particularly, the name of every person voted for for said offices respectively, and the number of votes cast for each. The said certificate shall be sealed up by the officers making the same, as also the box containing the ballots deposited as aforesaid, and said certificate and box shall be safely delivered by the said officers, or one of them, to the clerk of the council in his office on the day following the day of election, before the hour of ten o'clock in the forenoon; and for this purpose it shall be the duty of said clerk to be present in his office from the hour of eight o'clock to the hour of ten o'clock in the forenoon of such day. In case, for any cause, the clerk of council shall fail to attend at such time and place, the president of council, and in case of his failure, the mayor for the time being, shall attend and receive, take charge of and safely keep said certificates and boxes until delivered to the clerk of council, or to the council at their next stated meeting. If in any district there be no choice of inspector, or of assistant inspectors, by reason of any two or more persons having an equal and the highest number of votes for the same office, the inspector and assistant inspectors holding such election shall so certify on their return to council, whereupon the council shall at their next meeting proceed to elect, and without unnecessary delay shall elect one of said candidates to such office for which he was a candidate. This section shall be construed subject to the provisions of Section 55, relating to assistant inspectors.

Votes and
certificates.
Where kept.

Tie.

Duty of
council.

Returns ex-
amined.

Duty of
council in
case of tie.

SECTION 58. The council, at their next meeting after an election as aforesaid, shall examine the returns thereof and proclaim the persons elected. If there be no choice for mayor, president of council, city treasurer, assessor, or for member of council in any of the wards by reason of two or more candidates having an equal and the highest number of votes for either of said offices, the council shall proceed to elect one of said candidates to such office for which he is a candidate.

Clerk of
council to
keep ballot
boxes.

SECTION 59. The clerk of the council shall carefully keep the ballot boxes, to be delivered to him as aforesaid, for two months, subject, during that period, to the order of the city

OF THE CITY OF WILMINGTON.

council for the purpose of examination in case of a contested election; and for default herein, or in case he shall in the meantime open or without the order of council suffer said boxes or any of them to be opened, or said certificates or any of them to be tampered with or destroyed, or shall otherwise make default in securely keeping said ballot boxes and certificates of election, the said clerk shall forfeit and pay to the State of Delaware a fine of one thousand dollars, or suffer imprisonment for a term not exceeding two years, or both at the discretion of the Court of General Sessions of the Peace and Jail Delivery.

Penalty for violation.

SECTION 60. If any candidate for any of the offices before mentioned shall choose to contest the right of any person proclaimed to have been elected to such office, such candidate shall, within thirty days next after such election, cause to be presented to the council his petition, in writing, setting forth, particularly, the grounds and specifications upon which such election is contested, together with an affidavit that such petition is not for the purpose of vexation and delay, but that he does verily believe that he has just ground for contesting such election, and shall also at the same time cause to be delivered to the person whose election is contested a true copy of such petition. Upon the filing of such petition and affidavit, the council shall appoint a day, not less than ten nor more than fifteen days from the filing of such petition and affidavit, for hearing and determining the same, giving public notice thereof in two newspapers published in the City of Wilmington, if so many be published at the time; and upon the day appointed for such hearing, the said city council shall sit in the city hall, in the presence of such citizens and others as may choose to be present, shall hear the allegations and proofs of the parties, and shall determine according to the very right of the matter. Evidence shall be confined to the grounds and specifications set forth in the petition. The council shall have power to issue subpoenas, signed by the president of the council for the time being, and attested by the clerk, for persons and papers, to administer oaths and affirmations, to examine witnesses, to inspect the returns of the election, and, if necessary, to open the ballot boxes, count and tally the votes, and to do all other things requisite to arrive at a full and perfect knowledge as to the right of the case. The decision of the council, signed by its officers, shall be published in two newspapers printed in the City of Wilmington, and shall be final and conclusive.

Contesting elections.

Petition to council.

Affidavit.

Notice to candidate.

Hearing.
Notice.

Evidence.

Subpoenas.

Oaths and witnesses.

Decision final.

OF THE CITY OF WILMINGTON.

Unlawfully
conducting
an election.

SECTION 61. If at any election held under this chapter, any inspector, assistant inspector of election, or other person who shall conduct the election, shall knowingly and willfully take and receive, or advise and consent to the taking and receiving of the vote of any person not entitled to vote at such election, or shall knowingly and willfully reject, or advise and concur in rejecting the vote of a person entitled to vote at such election, or shall use any fraud, falsehood, or deceit in doing and performing any of the duties, matters, or things required of him in this act, or the ordinances of said city touching said election, or shall refuse or willfully neglect to perform any of the said duties, matters or things, every such inspector, assistant inspector, or other person, shall, for every such offense, upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, forfeit and pay to the State a fine of two hundred dollars. If any person not entitled to vote at any such election shall vote at any such election, or if any person shall vote or offer to vote more than once at any such election, or if any person shall vote in any election district in which he has not resided for thirty days next preceding such election, or if any person shall influence or attempt to influence any voter in giving his vote by any reward, gift, or benefit, or promise of favor or advantage, every such person shall, for every such offense, upon conviction thereof as aforesaid, forfeit and pay to the State a fine of fifty dollars.

Penalty.

Unlawfully
voting or in-
fluencing
voters.

Penalty.

SECTION 62. A failure to hold an election on an election day, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until a new election can be legally held.

SECTION 63. Any person duly elected to an office under the provisions of this act, who shall refuse or neglect to serve in such office, shall forfeit and pay a fine of fifteen dollars. *Provided*, That no person shall be required to serve two terms in succession.

THE FISCAL CONCERNS OF THE CITY.

Publication
of financial
statements.

SECTION 64. The council, in the month of July in each year, shall publish, for three days, in all the daily newspapers printed in the City of Wilmington, a summary of the fiscal concerns of said city for the previous year, setting forth the

OF THE CITY OF WILMINGTON.

whole amount of the existing debt of the city, by certificate, bond, note, or otherwise, the rate and amount of interest paid and when payable, the purpose for which each loan was created, the date of the ordinance under which each loan was issued, the amount issued and the amount outstanding at the time of publication; also the whole receipts of the treasury for the same year, the sources from which derived, and the amount received from each source, and the total payments made during the year on account of the several appropriations.

SECTION 65. The fiscal year of the City of Wilmington shall hereafter begin on the first day of July. The council shall, on or before the first stated meeting in May in each year, cause to be prepared and laid before them estimates of the probable revenue and expenses of the city for the ensuing year, and an ordinance shall be passed at the last stated meeting in May of each year making appropriations for the expenses of the ensuing fiscal year, based, as nearly as may be, upon the said estimates, and the appropriations shall be specified and arranged under the heads or items designated in the said estimates. Unless some extraordinary occasion, not anticipated at the passage of the aforesaid ordinance, shall require further appropriations, the expenditures of the year under any head, or item of appropriation, shall not exceed that item of appropriation; and if further provision be required in addition to the appropriation to be made at the last stated meeting in May, as aforesaid, the extraordinary occasion, or necessity for the same, shall be set forth in the ordinance making the additional appropriation, and such ordinance shall not pass by less than the vote of two-thirds of all the members of council, a record of which vote shall be made upon the journal. Such vote shall be by yeas and nays.

SECTION 66. No money shall be paid from the treasury unless the same shall have been appropriated as aforesaid, and unless the order or draft for the payment of the same shall show upon its face the head or item of appropriation against which it shall be drawn; except in the case of money-proceeds arising out of a bonded debt authorized by the General Assembly for a specific use or purpose, in which case the order or draft for the payment of the same shall show on its face the fund against which it is drawn, and the specific use and purpose for which the same was created, and in the latter case the money shall be drawn upon the resolution of council, countersigned as in other cases.

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Extraordi-
nary appro-
priation.
How paid.

SECTION 67. Whenever any extraordinary appropriation shall be made by the council, the amount so appropriated shall be paid out of the taxes, rents, or receipts of the fiscal year then current, if the same shall be sufficient; and in case the amount of any extraordinary appropriation shall be in excess of the taxes, rents, or receipts of the city for the fiscal year in which such extraordinary appropriations shall be made, such excess shall be provided for and included in the appropriations made and taxes levied for the succeeding fiscal year. To meet any extraordinary appropriation under this section, the council may temporarily borrow from the banks, or other sources, such sums as may be needed for such purpose without incurring the penalties provided for under Section 71 subsequent.

Temporary
loan.

Appropri-
ation to fire
companies.

SECTION 68. In any donations or appropriations to fire companies of Wilmington by the council, the amount granted shall not exceed twenty-five hundred dollars to any one company, annually, except that said council may grant an additional sum, not exceeding two hundred dollars, annually, to the Washington Fire Company for the hook and ladder apparatus of said company.

Publication
of appropri-
ation ordi-
nances.

SECTION 69. The clerk of the council shall publish, in two newspapers of the said city, a copy of the ordinances making appropriations for the year, together with the estimates for the year, immediately after such ordinances are passed, and in like manner a copy of any ordinance making additional appropriations; and for default in the performance of this duty he shall forfeit and pay a fine of fifty dollars.

Yeas and
nays on bor-
rowing
money.

SECTION 70. Upon all questions before the council touching the borrowing of money, the vote shall be by ayes and noes, and shall be entered upon the journal; but the Mayor and Council of Wilmington shall not have power or authority to borrow money for any purpose whatever except in such cases as are or may be expressly authorized by law.

Extent of
limitation in
borrowing.

SECTION 71. The funded debt of said city shall not exceed the sum now authorized by law except as may hereafter be provided by act of the General Assembly, and the said funded debt being so limited, the Mayor and Council of Wilmington, or the Council of Wilmington, shall have no power, or authority, to borrow money, or contract or create any debt or liability, or to make any ordinance for borrowing money or contracting or creating debt or lia-

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bility, (except ordinary debts and liabilities in the common course of carrying on the work and business of the said city, to be paid out of the taxes, rents, or receipts of the year for the time then current,) and if the said debts and liabilities shall not be so paid, the same shall bind the members of council for the time then being personally, other than those shown by the journal of the council to have been absent or to have voted in the negative when the ordinance, order, or proceeding under which the debt or liability arose was passed or had making them jointly and severally responsible; and any member of council who shall vote to borrow any money, or contract any debt or liability contrary to the provisions of this section, shall be deemed guilty of dereliction in duty, and shall thenceforth be deemed and be incapable of holding any office of honor, profit or trust under this act or created by or existing under any law of the State of Delaware.

Personal responsibility of members of council.

SECTION 72. When any part of the said funded debt is redeemed, there shall not, on that account, be any addition to said debt on any pretense whatsoever unless authorized by the General Assembly, but the said debt shall decrease, by regular diminution under such redemption, until the whole shall be discharged. *Provided*, that if, through calamity or casualty, the city hall, or the water works, or any part thereof, shall be destroyed, or injured beyond the available means or ability of the city treasury at the time to repair or replace, the Mayor and Council of Wilmington, under authority of an ordinance of the council to be passed with the concurrence of three-fourths of all the members, shall have power to borrow, on temporary loan, a sum to be specified in such ordinance for repairing or replacing the property or work injured, or making a suitable substitute therefor, which sum shall be applied to that purpose and no other, and shall be payable in such time, times, or manner as the ordinance shall prescribe.

Regular diminution of debt until whole is discharged.

Proviso.

Calamity to city hall or water works

Authority to borrow to replace property.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 73. The Council of Wilmington shall, at its first stated meeting in the month of May, A. D. 1883, choose, by ballot, from the citizens of Wilmington having a right to vote at the city elections and owners of real estate in the city to the assessed value of not less than one thousand dollars, three persons to constitute the Board of Assessment, Revision and Appeals for the City of Wilmington. The

Election of board of assessment.

OF THE CITY OF WILMINGTON.

Terms of office. terms of office of the members of the board of assessment, revision and appeals, as heretofore constituted, shall expire on the day of the first stated meeting of council in May, A. D. 1883.

Terms of office decided by lot. SECTION 74. The members of said board shall not be members of the council, or of the board of public education in Wilmington, or engaged in business as real estate agents. Immediately after their election the members of the said board shall draw lots for their respective terms of office; the said terms to expire in one, two and three years from the day of their election. The council shall, at its first stated meeting in the month of May, A. D. 1883, and in every year thereafter, elect from the citizens, as aforesaid, one member of the board of assessment, revision and appeals for the term of three years and until a successor is elected; *provided* that the minority of the members of said council shall always be entitled to have and elect one of the members of said board of the same political party as themselves. Should any vacancy occur in the said board by reason of the death, resignation or refusal to serve of any person or persons so chosen, or by reason of any other cause, such vacancy shall be filled by the council for the unexpired portion of the term for which such election was or should have been made.

Council annually to elect one member.

Proviso.

Vacancies. How filled.

Oath of office. SECTION 75. The said persons so chosen shall, during their term of office as aforesaid, constitute a Board of Assessment, Revision and Appeals for the City of Wilmington. They shall, before entering upon the duties of their office, take an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Delaware, and to perform the duties of the office to which they have been appointed with fidelity.

Powers of board. SECTION 76. The said board of assessment, revision and appeals, or a majority of them, shall determine and do any of the acts hereinafter mentioned. They shall exercise a general and supervisory power over the assessors and collectors for the city, and shall cause them to make a faithful, full, fair and complete assessment of all the property in their respective districts liable to taxation, as hereinafter provided. The said board may adopt such rules and regulations as they may deem expedient to produce fairness, equality and completeness of assessments, and shall have full power, at any time, to examine the assessments while the assessors and

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collectors are making them, and cause them to be conformed to such rules and regulations as the said board may have adopted in the premises.

SECTION 77. There shall be elected, at the city election, in the year 1883, and in every third year thereafter, two Assessors and Collectors for the City of Wilmington for the term of three years each, one of whom shall reside in and be voted for and elected in and for that portion of the city north of Sixth street, the other one in and for that portion of the city which lies south of Sixth street. Whenever a street is named as a boundary in this section, the center thereof shall be understood. The assessors shall be also the collectors of the city for their respective districts, and as such shall give bonds as provided in Section 97 of this act. A failure to elect by reason of two or more persons voted for for the office of assessor and collector having a legal and at the same time the highest number of votes for such office shall be deemed a failure to hold an election as to such officer, and thereupon the city council at its next meeting shall elect such officer.

Election of assessors and collectors. Residence.

Bonds.

In case of tie, city council to elect.

SECTION 78. No person shall be elected an assessor and collector as aforesaid, who shall not have been, for at least six months before his election, the owner of a freehold estate within the said city, the value of which, according to the city assessment made next before his election, shall be at least five hundred dollars clear of all incumbrances.

Freehold qualification

SECTION 79. The city assessment for tax shall be completed by the assessors by the second day of January of each year, and the taxes collected by the thirty-first day of December in the succeeding year, to which time the authority of an assessor and collector whose term of office has otherwise expired may extend, for the purpose of collecting outstanding amounts; and for any amounts remaining upon his duplicate uncollected at that time, and not sufficiently accounted for and allowed for errors, delinquencies or otherwise by the finance committee of the council, the said assessor and collector and his sureties may be held accountable upon their bond.

Completion of assessments.

Collection of unpaid taxes.

Allowance for errors.

SECTION 80. All real estate within the said city shall be assessed, except real estate belonging to the United States, the State of Delaware, New Castle county, or the City of Wilmington, cemeteries and burying grounds, churches and meeting houses belonging to any religious society and used

Assessable property Exception.

OF THE CITY OF WILMINGTON.

for public worship, real estate owned and used for charitable purposes by the associations known as the "Trustees of the Home for Friendless and Destitute Children in the City of Wilmington," "Home for Aged Women," "Sisters of Charity," and buildings owned and occupied by fire companies.

Assessment.
How made.

The assessment of real estate shall be made according to a certain rate in and upon every hundred dollars of the estimated value of the property assessed, if sold for cash, and so *pro rata*. The real estate shall be described with sufficient

Poll tax.

particularity to be clearly identified, the principal improvements thereon, if any, to be also specified. Real estate, the owner or owners of which cannot be found or ascertained, may be assessed to "owner unknown." Every male citizen above the age of twenty-one years shall be rated for a capitation or poll-tax in addition to the assessments of his real estate, at a capital not exceeding two thousand dollars nor less than one hundred dollars.

Assessment
delivered
to board of
assessment.

SECTION 81. The Assessors and Collectors shall complete the assessment for the said city in each year by the second day of January, on or before which day they shall deliver the same to the said Board of Assessment, Revision and Appeals for the City of Wilmington. The board, upon receiving such assessment, shall forthwith examine it, with power to revise, alter, or add any assessment on or before the ensuing twentieth day of January. After receiving said assessment the

Alterations.

Filed in
clerk's office
Notice.

board shall cause it to be filed in the office of the clerk of the council, who thereupon shall give public notice, by advertisements printed in two newspapers and posted in the most public places within the city, that such assessment, being completed, is filed in his office for public inspection, and also designating the time appointed by this act for the sitting of said board for appeals. Such notice shall be continued until the time for sitting of said board for appeals as aforesaid.

Court of ap-
peals.

SECTION 82. On the first day of February (or if that be Sunday then on the day following) the said board shall sit to hear appeals from assessments, and shall continue to sit for that purpose for fifteen successive days, or for so long as may be necessary to adjudge appeals. Upon appeals the said board shall have power to alter any assessments and to make additional assessments, and to determine and to do whatever may appertain to justice and right. Appeals may be filed, in writing, in the clerk's office, or made directly to the said board. No appeal shall be received or heard, or adjudication

Additional
assessments.

Hearing
appeals.

OF THE CITY OF WILMINGTON.

of appeal made, nor shall the assessment list be altered or added to after the tenth day of March. *Provided* that real estate not assessed by the assessors and collectors may be assessed by the said board at any time before the day of the city election, previous notice of such intended assessment, designating the time at which the same will be made, being given by the said board, in writing, to the owner or owners, or if he, she, or they be absent from the city, then to the person or persons in possession of the premises. *And provided also* that the said board, at any time before the day of the city election, after the assessments shall be completed, upon the application of any person who was residing within the city before the completion of the assessments and was omitted therefrom, shall rate such person for a capitation or poll tax, and shall thereupon cause his name to be added to the assessment lists. Real estate assessed, or persons rated as herein provided after the completion of the assessments, shall be so assessed or rated upon both the city and school assessment lists. Such real estate, or persons being so assessed or rated, shall thereupon be liable to pay taxes for the current year at the rate per centum which shall have been determined by the city council, and necessary additions shall be made to the lists provided for in Section 84 of this charter. The assessment books or lists shall be the property of the city and shall be kept in the office of the clerk of council.

Additions.

When made.

Notice to owners.

Additional poll taxes.

Additions subject to both city and school taxes.

Custody of books.

SECTION 83. To the end that the sums necessary to be raised for public schools in Wilmington may be assessed and collected by the same proceedings had for collecting the city tax and as constituting a part of the city tax, the said board shall, as soon as the city assessments shall have been completed as aforesaid, and before the thirtieth day of May in each year, cause to be made an assessment to be called the school assessment, which shall be made as follows, viz: The assessment of real estate within the city shall be taken from the assessment of real estate on the city assessment; and the assessment of personal estates and persons, to wit: stock, plate and the rates for capitation or poll taxes, shall be transferred from the assessment list of Wilmington hundred standing in the Levy Court of New Castle county for the time then being. It shall be necessary to transfer amounts only, without specification or particulars. No appeals shall be taken from the assessment so made, and there shall be no variation of the assessments transferred; but if there be any person in Wilmington hundred legally liable to be assessed for personal

School assessment

No appeals.

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property, or rated for capitation or poll tax, not found on the assessment list of Wilmington hundred, the said board may assess such person for personal property and rate him for such a capitation or poll tax on the school assessment as to law and right shall appertain, giving to such person due notice and opportunity to be heard.

Levying of
city tax.

Levying of
school tax.

Duty of
clerk of
council.

Bill and re-
ceipt for
taxes.

SECTION 84. The assessments being so settled as aforesaid, the said board shall, on or before the first day of June, lay the same before the Council of Wilmington, who shall, without delay, determine the whole amount of money necessary to be raised for the use of the city by taxation during the year of said assessment, and shall apportion such amount among the several persons and estates assessed upon the city assessment, according to a certain rate in and upon every hundred dollars of the said assessment, and so *pro rata*. The council shall also, at the same time, "include" the sum necessary to be raised for the use of the public schools of the said city by taxation during the year last aforesaid, and shall apportion such amount among the several persons and estates assessed upon the school assessment, according to a certain rate in and upon every hundred dollars of the said assessment, and so *pro rata*; and the amount so apportioned shall be collected under the provisions hereinafter contained as other city taxes, and shall constitute part of the city taxes within all the provisions of law applicable to the same. The clerk of the council shall thereupon immediately make out a correct list for each district of the city, showing the names of persons and estates assessed upon both the aforesaid assessments, with the whole amount of tax laid upon the several persons and estates under the foregoing provisions, and the said lists, with the warrant of the council to collect the taxes thereon, being signed by the president of council and countersigned by the clerk, shall be delivered to the said assessors and collectors respectively on or before the thirtieth day of June, whereupon it shall be the duty of the said assessors and collectors to forthwith collect and receive the taxes thereupon.

SECTION 85. At the request of any person paying a tax which has been assessed upon his person or property, the assessor and collector shall make out and deliver to him a bill, showing, in addition to the amount of tax, how much of it is laid upon his person and personal property as shown by the school assessment list, and how much of it is laid

OF THE CITY OF WILMINGTON.

upon his real estate, and if it is laid upon more than one parcel of real estate, then how much of it is laid upon each parcel, describing each parcel according to the description thereof appearing upon the city assessment list. All books and papers filed in the office of the clerk of the council, touching the assessment, receiving or collection of taxes, shall be open to the inspection of any person interested in the same.

Assessment
books may
be inspected

SECTION 86. The council shall have power, by ordinance, to enjoin upon the clerk of council and the assessors and collectors any duties in addition to those in this act specified touching the assessment and collection of taxes which it shall deem necessary or proper for carrying into effect the provisions of this act touching and concerning the same, and may enforce, by suitable penalties, any duties so enjoined by this act or by such ordinance as aforesaid.

Additional
duties of
clerk of
city council
and collector

SECTION 87. Upon the delivery to an assessor and collector of such lists, with the warrant of the council to collect such taxes, he and his sureties, his and their executors and administrators, shall become and are hereby declared to be responsible for the whole amount of money which it shall be his duty to collect, subject only to such just allowances as shall be made to him or them upon settlement with the finance committee, as hereinafter is provided.

Liability of
collector and
sureties.

SECTION 88. All city taxes assessed as aforesaid, paid during the month of July shall be entitled to an abatement by the assessors and collectors of five per centum; all such taxes paid during the month of August shall be entitled to no abatement; all such taxes paid during the month of September shall be increased by the addition of five per centum to the amount thereof; taxes not paid until after the month of September shall be increased by the addition of five per centum to the amount thereof.

When abate-
ment of
taxes
allowed.

SECTION 89. If any assessor and collector die, or remove from the said city or district in and for which he shall have been elected as aforesaid, or become incapable of performing his duties, the council may, upon petition by the sureties of such assessor and collector and being satisfied that it is a proper case for relief, appoint another person to collect the residue of the unpaid taxes, and may compel the delivery to such person of the list and warrant, or cause a new one to be

Death of
collector or
assessor.

Vacancy.
How sup-
plied.

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issued to him, bond with surety being first given as required by this act from the original assessor and collector. And thereupon such other person so appointed, and his sureties, his and their executors and administrators, shall become responsible for the uncollected taxes, subject to allowances as herein provided. Such appointment shall not discharge the sureties of the first assessor and collector from any part of their original responsibility, but all sums collected by the substituted assessor and collector shall be credited to him. All the powers, duties and liabilities of the first assessor and collector shall devolve upon the substituted assessor and collector and his executors and administrators upon final settlement with the finance committee as herein provided. The said committee shall make a just apportionment between the original assessor and collector, or his representatives, and the substituted assessor and collector of the compensation allowed for the collection of taxes.

Settlement
with repre-
sentatives of
deceased
collector.

Tax lien.

SECTION 90. All taxes for city and school purposes which may hereafter be lawfully assessed on real estate in the City of Wilmington shall constitute a prior lien thereon from their said assessment until the "thirty-first day of December in the succeeding year," and may, with all incidental costs and expenses, be levied by sale thereof as herein-after provided. The said lien shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may become charged with or liable to from and after the passing of this act. In case any dilatory or adverse legal proceedings, by or on behalf of any delinquent taxable against said assessor and collector, or against the Mayor and Council of Wilmington, should delay or prevent the collection of the tax beyond the thirty-first day of December in the succeeding year after its assessment, the lien of such tax on the real estate therein provided shall continue and be extended for a period of six months after the termination of such dilatory or adverse proceedings, or for so much thereof as may be necessary to complete the collection of said tax as provided for in Section 91 of this act.

Goods and
chattels may
be sold for
taxes.

SECTION 91. If any person, assessed as aforesaid, shall neglect or refuse to pay the sum which any assessor and collector shall be required to collect from him, or any part thereof, for ten days after demand made, the said assessor and collector shall levy and make the same by distress and

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sale of the delinquent's goods and chattels, rendering the overplus, if any, after deducting reasonable charges, to the owner or owners thereof, or if no such distress can be found by the assessor and collector, the said tax may be collected from, or levied upon, the goods and chattels of any of his tenants, if such there be, who shall be allowed to set off the amount thereof against any demand for rent on the part of such delinquent landlord, or if there be not rent sufficient to cover the amount so paid or levied, it may be recovered by such tenants from the landlord, with costs. And if any grounds, buildings, or estate belong to a minor or minors, or person or persons absent from the city, the tax laid upon the assessment of such grounds, buildings, or estate may be collected from the person or persons having the care of such grounds, buildings, or estate, and the receipt of the assessor and collector for money so paid shall be a sufficient voucher to all executors, administrators, guardians, trustees, or attorneys, against those whom they represent. If any person or persons from whom any tax is required to be collected, or their executors, administrators, guardians, trustees, or attorneys cannot be found or shall refuse to pay the tax as aforesaid, and no goods or chattels of such person sufficient to satisfy such tax can be found, and the same cannot be collected from any tenant or tenants of such person, or if the owner or owners, or other proper person or persons, having the care and charge over any real estate assessed and described as belonging to "owner unknown," as aforesaid, cannot be found, the assessor and collector shall make and deliver to the solicitor for said city a certificate of the facts under oath or affirmation, together with a brief description of the real estate on which said tax shall have been assessed, and the name or names of the person (if known) against whom as owners of said real estate said tax has been assessed; and the said solicitor shall file the said certificate in the office of the prothonotary of the Superior Court of New Castle county, and judgment shall thereupon be entered therein in favor of "The Mayor and Council of Wilmington" on said described real estate and against the said owner or owners thereof if known, and a writ of *levari facias* shall forthwith be issued thereon, by virtue of which it shall be the duty of the sheriff of said county to advertise and sell the said real estate upon which said taxes have been assessed, under like proceedings as by law are required in the sale of lands and tenements under execution process, and make return thereof to the next regular term of the said

Goods, etc.,
of tenant set
off for rent.

Taxes of
minors.

Taxes of non
residents.

Certificate
of collector
delivered to
city solicitor

Where filed.

Entry of
judgment.

Sale of real
estate.

Return.

OF THE CITY OF WILMINGTON.

Superior Court after the issuing of said writ, and the court may inquire into the circumstances and regularity of the proceedings and either approve the sale or set it aside. If the court approve of said sale, the sheriff shall make a deed to the purchasers, which shall convey all interest and property in and to the real estate so sold. If the sale be set aside and the said tax be still a lien on said real estate, the court may order another sale, and so on until the tax be collected. Such disposal of the surplus proceeds of said sale shall be made by the court as may be deemed just. No sale shall be approved if the owner be ready at court to pay the taxes and costs, and no deed shall be made until the expiration of two years from the time of sale, within which time the owner or owners, his or their heirs, executors or administrators, shall have power to redeem the said real estate so sold on payment to the purchaser or purchasers, his or their heirs or assigns, of the amount of the purchase money and costs and twenty per cent. interest. Proceedings for redeeming land so sold as aforesaid shall be by petition to the said Superior Court, and the said court shall have full power to make all proper rules and orders thereon. If no such grounds, buildings, or estate be found, the assessor and collector shall take the body of such delinquent person and deliver him to the keeper of the common jail of New Castle county, to be detained in safe custody until the said tax, with costs, be paid, or such person be legally discharged.

Deed and title. All the powers herein vested in an assessor and collector shall devolve upon and be exercised by his executors and administrators, except in cases where a substitute shall be appointed, as provided in Section 88 of this act. On the first Saturday of September, in each year, the assessors and collectors shall advertise, in two of the daily newspapers of the City of Wilmington, a full list of the persons whose taxes as aforesaid for the preceding year are at that date unpaid, together with a brief description of the real estate taxed, and shall, within two weeks thereafter, make and deliver the certificates required by this section to the solicitor for said city for all such taxes assessed on real estate as aforesaid which shall not then have been paid.

Redemption proceedings.

Imprisonment for taxes.

Powers of collector devolved upon executor.

Tax lists.

Certificates. SECTION 92. It shall be the duty of the said assessors and collectors, on demand and tender of fees, to furnish certificates, under their respective hands and official seals, of all such taxes which are a lien on real estate in their respective districts. The fee shall be twenty-five cents for each certifi-

Fee.

OF THE CITY OF WILMINGTON.

cate. The duties required of the assessors and collectors under this section shall be one of their obligations covered by the conditions in their official bonds.

SECTION 93. Every assessor and collector shall pay to the city treasurer, or make such deposits in bank to the credit of "The Mayor and Council of Wilmington" of the sums he shall from time to time collect, at such times and in such manner as the council may by ordinance direct. Payments to city treasurer.

SECTION 94. Every assessor and collector shall appear before the finance committee at such time or times and place as they shall appoint and produce to them the list of taxes as aforesaid, together with his receipts for payments to the treasurer or certificates of deposit as aforesaid, and thereupon the said committee shall ascertain and determine whether, after a just allowance for errors, delinquencies, or otherwise, any and what sum is due and unpaid from such assessor and collector to the city. The said committee, or a majority of them, shall make and sign two certificates of their determination in the premises, one of which shall be delivered to the assessor and collector and the other to the city treasurer. If by such certificates any balance appears to be due and unpaid to the city the assessor and collector shall pay the same within fifteen days thereafter, and if such balance be not so paid, the city treasurer shall certify the fact to the city solicitor, who shall forthwith take legal process for the collection of the same from the assessor and collector and his sureties. Settlement with finance committee.
Allowance for errors.
Certificates.
Payment and collection of balance.

SECTION 95. The salaries or compensation of the said assessors and collectors shall be established and regulated by the said council and paid upon warrants authorized by the said council to be drawn on the treasury of said city. Salaries.

SECTION 96. The said board shall have full power to examine the books of plans of the said city in the office of the chief engineer of said city.

SECTION 97. Each of the said assessors and collectors shall, before entering upon the duties of his office, take an oath or affirmation similar to that hereinbefore prescribed to be taken by the members of the said board of assessment, revision and appeals, and shall give bond to "The Mayor and Council of Wilmington," with freehold security to be approved by the mayor and president of council, in the amount to be determined by the council, conditioned for the Assessors and collectors sworn.
Bond.
Condition.

OF THE CITY OF WILMINGTON.

Warrant of attorney.

faithful assessment of his district and collection of the taxes assessed therein, and for the faithful performance of all the other duties of his office that may be prescribed by the said council, and with a warrant of attorney for the confession of judgment thereto attached. Such bonds must be given by the assessors and collectors within five days after their election.

Exemption.

SECTION 98. The council shall not have power to release or exempt any person or persons who are liable to taxation from their proper share or proportion of the taxes of the city either by commutation for services, by gratuity, or otherwise.

Tax on horses, etc.

SECTION 99. There may be assessed and collected by the Mayor and Council of Wilmington, for the use of the city, an annual tax upon each horse, mule, ass, or animal of the horse kind, owned or kept within the limits of the City of Wilmington, and the council shall have power by ordinance to prescribe the manner of assessing and collecting the same.

Telegraph, telephone, and electric-light poles.

SECTION 100. The Mayor and Council of Wilmington shall have power and authority to levy and collect taxes upon all telegraph, telephone and electric-light poles and other erections of like character erected within the limits of the City of Wilmington, and the council may, by ordinance, prescribe the mode of levying and collecting the same. In case any of the owners or lessees of any such poles or erections erected within said city shall refuse or neglect to pay the taxes that may be levied upon such poles, the council shall have authority to cause the same to be removed and may institute suit to recover the amount of taxes so levied and the expenses incident to the removal of such poles or erections.

Removal.

City bonds exempt from taxation.

SECTION 101. All bonds of the City of Wilmington which have heretofore been issued, or which shall hereafter be issued under any ordinance of said city and by authority of any law of this State, shall be exempt from taxation under any law of this State, and from and after the passage of this act no county tax shall be collected from any persons holding the bonds of said city for or on account of said bonds.

REGISTRATION OF REAL ESTATE WITHIN THE CITY.

Registration of real estate within the city.

SECTION 102. The Chief Engineer of the City of Wilmington, under an ordinance and appropriation by council, shall cause to be made books of plans of the said city, divided

OF THE CITY OF WILMINGTON.

into sections so far as the streets of the said city are or shall be laid out, which shall show the situation and dimensions of each property therein, with the city numbers thereof, who are the owners, with such succession of blank columns as will permit the names of future owners to be entered therein, with the dates of transfer and with index for recording such names alphabetically; and the person or persons who shall be employed to perform such duty shall have access to all books in the recorder of deed's office, and all records of the courts, and in the register's office, and may take copies or extracts thereof without any charge therefor.

SECTION 103. The original books, when made, shall be kept in the fire-proof of the department of surveys of the said city, and the chief engineer shall keep up the said books so as to show at all times who are the owners of the lots on the plans (and said books shall at all times be accessible to the assessors of said city), and said books shall be kept in such manner as not to destroy the evidence of the ownership at any previous time, but by additions which will show the subdivisions of property and the owners thereof as transmissions of title may take place; and the chief engineer may furnish copies of the said books, or parts thereof, for such price as may be fixed by council, for the use of the city, and his certificate shall be received in evidence as and for such proof as the assessment books would be; and lithographed copies of the said books may be multiplied and sold for the profit of the said city.

SECTION 104. To enable the chief engineer of the city to keep up the said books of plans, it shall be the duty of every seller and buyer of ground upon the planned plot of the City of Wilmington to make report to him of every conveyance made, with the precise dimensions and locality of the premises, and so doing the same shall be recorded without charge and noted on the deed of conveyance by said chief engineer or assistant; but if said seller and buyer shall both omit said duty, the recorder of deeds of the county of New Castle shall not admit the deed of conveyance to record in his office without charging twenty-five cents for each lot described therein, and it shall then be his duty to furnish the proper description of such lot or lots, with the date of conveyance and name of grantor or grantee, within one month, into the office of the department of surveys, under the penalty of one dollar for each omission, to be recovered as

Books,
where kept.

Duty of
chief engi-
neer.

Certificate.

Report by
owner of
conveyance.

Recorded.

Duty of
Recorder.

OF THE CITY OF WILMINGTON.

penalties for taking unlawful fees are recovered for the use of the said city; and it shall be the duty of every purchaser of houses and lands at judicial sales, and of every one to whom an allotment in partition shall have been made, and every devisee by will, to make return to the chief engineer of the purchase he has made, or allotment he has received, and of all devises made to him by will, with descriptions as aforesaid, which said chief engineer shall receive without charge, but if he shall not have done so simultaneously with the completion of his purchase, or on partition effected, or if on probate of any will the devisee shall not have done so, as to any houses or lands in the said city purchased, allotted or devised, it shall be the duty of the clerk or prothonotary of the proper court under whose authority such judgment or partition shall have been made, and for the register of wills, to furnish such descriptions as are above required of the the recorder of deeds, so far as the wills to be proved in his office shall enable him to do so, for the like charge and under the same penalty; and the clerk or prothonotary and register may make such charges against such purchaser or party taking in partition, or devisee, on delivery of the deed certifying proceedings in partition or granting probate of the will, and that whether the same be in trust or for any estate for life only, or otherwise, unless the party interested shall produce to him or them the certificate of the chief engineer that such duty has been performed.

Of clerk or
protho-
notary.
Of register
of wills.

Liable for
taxes.

SECTION 105. If neither the seller nor buyer, devisee, nor heir, or other party who has acquired title to houses and lands in the said city shall have furnished the description of the property sold as aforesaid, both he who may have parted with and he who acquired title shall be liable for the taxes thereafter assessed thereon, without right of reclamation or contribution thereof either against the other.

Violation.

SECTION 106. And should the chief engineer apprehend that conveyances, or devises, or descents of houses or lands shall have taken place without being reported to him, he shall cause search to be made therefor and perfect his book of plans; and every person found delinquent for six months after acquiring title as aforesaid in making report as aforesaid shall be liable to a fine of five dollars, to be recovered by said engineer in the name of the city as debts of that amount are by law recoverable.

Fine.

OF THE CITY OF WILMINGTON.

SECTION 107. The chief engineer shall preserve on file, Duties of chief engineer. arranged alphabetically and according to date, all reports made to him of descriptions of houses and lands, and for twenty-five cents shall give his certificate at the foot of a duplicate of the description of the designated property or properties when a duplicate of description shall be produced to him with the certificate written out for his signature, and his certificate shall be evidence for the receiver of it, and any clerk, prothonotary, or register, and all others, that this law has been complied with.

REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES.

SECTION 108. The council shall appoint, on the first Registrar of births, deaths and marriages. Thursday of July, A. D. 1886, and on the first Thursday of July in each fifth year thereafter, a City Registrar, who shall be register of deaths, births and marriages, and secretary of the board of health. His term of office shall be five years. Term of office. The present city registrar shall continue to hold office (and perform the same duties as are now by law prescribed) until the first Thursday of July, A. D. 1886, and until his successor shall be appointed as provided in this section.

SECTION 109. The said registrar shall keep a separate Duties of Registrar. record of deaths, births and marriages, with a correct alphabet of reference of every name and page. The said registrar shall also perform such other duties as the council shall from time to time direct properly appertaining to his office, and shall be subject to removal by the council for just cause. The said council shall furnish the registrar a suitable office and also find all necessary books, blanks and stationery.

SECTION 110. It shall be the duty of the parents of the child, midwife, nurse, or one of them, or such person as council shall determine, within ten days after the birth of any child, to file notice thereof with said registrar; such notice to contain a full, truthful and complete statement of all such facts as may be required by the registrar, and be filled out and written in and upon such blank or blanks as may be furnished by the registrar. It shall be the duty of Notice of births. the officiating clergyman, or magistrate, or other person performing any marriage ceremony, within five days thereafter, to file a notice thereof, in writing, with said registrar, containing a full, truthful and complete statement of all such facts as may be required by the registrar, and to be filled out and written on such blank or blanks as may be furnished by Notice of marriages.

OF THE CITY OF WILMINGTON.

the registrar. It shall be the duty of every physician who has attended any person deceased during last illness, or, in case there shall have been no attending physician, then it shall be the duty of the householder in whose family any death occurs, and in case of any inquest being had it shall be the duty of the coroner holding such inquest to make return to the said registrar of the facts of such death; such return to be in writing and to contain a full, truthful and complete statement of all such facts as may be required by the registrar, and to be filled out and written on such blank or blanks as may be furnished by the registrar. Upon the return of such certificate the said registrar shall issue a permit, signed by him, authorizing the removal for burial of the body of the person deceased; and no keeper of any hearse, or hackney coaches, or other person, shall receive, carry or convey said body from any premises, and no undertaker or other person shall remove or assist in the carrying or conveying of said body from any premises, and no sexton, undertaker or other person shall bury or assist in the burial of any body except upon the production to him or them of such certificate duly issued by the registrar. It shall be the duty of any undertaker, or other person, before they shall remove any dead body from the city, to obtain a health permit from the registrar, and to file a notice containing a full, truthful and complete statement of all such facts as may be required by the registrar, to be filled out and written on such blank or blanks as may be furnished by the registrar.

Penalty. SECTION 111. Any person neglecting or refusing to comply with any of the provisions of the immediately preceeding three sections, and any person violating any of its provisions, shall be subject to a fine of ten dollars for every such violation or neglect or refusal, to be recovered in the municipal court of said city in the name of the registrar and paid into the city treasury.

Registrar's seal. SECTION 112. The registrar shall have a seal of office, and his records of deaths, births and marriages, or certified copies thereof under his hand and seal of office, shall be competent evidence in all cases. The council shall have full power to enact all ordinances in its discretion necessary and proper to effect the purposes of the immediately preceding four sections.

OF THE CITY OF WILMINGTON.

VACATING OF ROADS.

SECTION 113. No public or private road included within the limits of said city shall hereafter be vacated, either upon the application of the city council or of any person interested, unless notice of the intention to apply, either to the General Assembly, or to the Court of General Sessions of the Peace and Jail Delivery, to vacate such public or private road, be first published for the period of thirty days in two of the newspapers published in said city prior to such application; and when any such road shall have been vacated as aforesaid, any person sustaining injury thereby may apply to the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county to appoint three disinterested and impartial persons to value the damages which he has sustained, and the damages so assessed shall be paid by the city council aforesaid before said road so vacated shall be closed up or obstructed.

Roads
vacated.

Notice.

Damages.
How ascer-
tained and
paid.

STREETS.

SECTION 114. The several posts and mark-stones now set and fixed in the earth in the middle of the streets of said city, as well as all such other posts and mark-stones as shall from time to time be set and fixed in the earth by the city surveyors or regulators, shall in all cases and in all courts of law within this State be deemed, taken and allowed as landmarks. And if any person shall willfully pluck up or remove any of said posts or mark-stones such persons shall, for every such offense, forfeit and pay a fine of one hundred dollars; and the council may reward the informer of such offense by allowing him a portion of said penalty not exceeding a moiety thereof.

Street centre
stones.

Removing
centre stones

Penalty.

Reward of
informer.

SECTION 115. It shall be lawful for the council, from time to time and as occasion may require, by ordinance passed for the purpose by a vote of two-thirds of all the members thereof for the time being, further to extend or to widen any street, square, lane, road, or alley laid down upon the map, plan, or ground plot of said city, and likewise to lay out all necessary new streets, squares, lanes, roads, or alleys within said city, except where heretofore expressly prohibited by legislative enactment still subsisting.

Extending
and widen-
ing streets,
lanes, and
alleys.

New streets.

SECTION 116. Before any property or ground shall be taken or occupied for the purpose of extending, widening, laying out or opening any street, square, lane or alley under the provisions of this act, the owner or owners of such

Damages to
owners of
ground
taken for
streets.

OF THE CITY OF WILMINGTON.

property or ground shall be paid or tendered such damages as they shall respectively be entitled to receive, which damages shall be assessed as follows, viz: Upon the written application of the mayor, under the direction of the council, and reasonable notice to the persons interested if residing in the city, the associate judge of the Superior Court of this State, resident in New Castle county, shall issue a commission under his hand, directed to five impartial freeholders of said county, commanding them to assess the damages that may result from the extending, widening, laying out or opening of such street, square, lane or alley to the owner or owners of property or ground necessary to be taken or occupied therefor, taking into consideration all the circumstances of benefit and convenience as well as of detriment to result to such owner or owners, and to make return of their proceedings to the said judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed as in said commission shall be directed, shall view the premises, and they or a majority of them shall assess the damages aforesaid, and shall make return in writing of their proceedings in the premises to the said judge, who shall file the same in the office of the clerk of the council. The return upon one commission shall not be conclusive; but upon application by the mayor as aforesaid, or of any person interested, within fifteen days after the filing of such return, the judge shall issue a commission of review, appointing five other freeholders as aforesaid, with like instructions as were contained in the first commission; *provided* that if a review be granted upon the application of a person or persons interested, the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return to a commission of review vary in the damages assessed from the return to the original commission, the judge shall grant a second commission of review upon the application of the mayor as aforesaid, or of any person interested in the return to the commission of review, within ten days after the filing of such return. If a review be not applied for in due time, the return to the original commission shall be conclusive as to the amount of damages. If the return to any two commissions correspond as to the amount of damages, such amount shall be conclusive. But if there be more than one return and none conclusive, under the foregoing provisions, the judge shall confirm such one of them as he shall deem most just, and the return so confirmed shall be conclusive. The judge may

Application
for commis-
sion to assess
damages.

Considera-
tion of bene-
fits and in-
juries.

Return of
freeholders.

Commission
of review.

Proviso.

Second
review.

Approval by
judge.

OF THE CITY OF WILMINGTON.

set aside a return to a commission for gross inequality or inequity, in which case he shall issue another commission in its place. The judge shall have power to fill any vacancy in a commission. There shall be allowed to the commissioners for their services three dollars per day, to be paid by council. The amount of damages being so ascertained, the council may pay or tender the same to the person or persons entitled thereto within two calendar months after the same shall have been finally ascertained, or if the person or persons so entitled reside out of or are absent from the city during said period of two months, then the same may be deposited to his or her credit in the Farmers' Bank of Delaware at Wilmington within said time, and thereupon the said property or ground may be taken or occupied for the use aforesaid. Whenever damages shall have been assessed to any owner or owners of property for the opening, extending or widening of any street, square, lane or alley, and the council shall fail, omit or neglect to pay or tender the amount of said damages to the person or persons entitled to the same, or to deposit the same in the manner and within the time herein provided for such payment or tender or deposit, no further application or proceedings shall be made or had for the opening, extending or widening of said street, square, lane or alley, through or upon the same land or premises for which said damages were assessed, until after the expiration of one year from and after the said assessment. In any proceedings hereafter taken for extending any street, no person or persons shall be entitled to any damages for any house, building or structure hereafter placed or erected within the City of Wilmington upon any ground lying between lines drawn from the building lines of such street to the limits of the city in the direction which the said street would take if extended as laid down on the map or plan of the City of Wilmington.

When return
set aside.

Vacancies.

Commis-
sioner's com-
pensation.

Payment or
tender of
damages.

Amendment
Chapter 532,
Volume 14.

Damages
barred in
certain cases

SECTION 117. In any proceeding taken for extending, widening, laying out, or opening any street, square, lane, or alley under the provisions of this act, the commission to be issued by the Associate Judge of the Superior Court of this State resident in New Castle county in furtherance of that purpose, in addition to the requirements of Section 116 preceding, shall contain a further command that (after assessing the damages that may result from the extending, widening, or laying out or opening of such street, square, lane, or alley to the owner or owners of property or ground necessary to be taken or occupied therefor, taking into consideration all

Expenses of
widening
and opening
streets, etc.,
apportioned
among those
benefited.

OF THE CITY OF WILMINGTON.

the circumstances of benefit and convenience as well as of detriment to result to such owner or owners) they estimate the probable entire cost of such contemplated improvement, including damages to owners of property necessary to be taken or occupied therefor, and after giving timely notice of their time and place of meeting and opportunity to persons interested residing in the city to be heard, that they make an allotment, apportionment, assessment and division of such portion as they shall deem just and reasonable of such estimated cost upon and among the persons, properties, interests and estates which will, in their judgment, or that of a majority of them, be specially benefited by such improvement, according and in proportion to the quantity and extent of such benefit, according to their best judgment. In forming such judgment all those shall be deemed specially benefited by such proposed improvement who, in the judgment of the freeholders, commissioners, may be benefited thereby beyond the value of any detriment which can occur to them thereby, or who may be benefited thereby without any detriment therefrom, and in either case beyond the benefit which inures to the citizens of said city or property owners therein generally by reason of such improvements. The commissioners having made such allotment, apportionment, assessment and division of such portion of such estimated cost, shall make return thereof to the said judge, who shall file the same, with the assessment of damages, in the office of the clerk of the council, who shall submit the same to the council for its approval or disapproval; and upon approval by the council of any assessment for benefit, the clerk of said council shall immediately enter such approved assessment in the record or lien book kept for that purpose. And the same being so recorded shall at once constitute and be evidence of a debt for that amount and in that behalf from the person assessed to the Mayor and Council of Wilmington, and shall further, from the time of its entry as aforesaid, be and remain a lien upon the lands and buildings, interest and estate in respect of which such assessment for benefit was made, and as such lien shall have priority over any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the recording of such assessment as aforesaid; and for the collection thereof, the said Mayor and Council of Wilmington may proceed as in other cases for the collection of debts, or in the manner provided for the collection of claims or liens for paving, and the provisions of the law in that behalf, both in regard to the process, notice, advertise-

Ascertain-
ment of
benefits.

Return and
filing of the
assessment.

Entry in lien
book.

Assessment
a lien on
lands, etc.

Priority of
lien.

Collection of
liens.

OF THE CITY OF WILMINGTON.

ment, sale, conveyance, title, costs and disposal of proceeds of sale, shall apply to the proceedings herein provided for, except that any residue to which the owner of any property sold shall be entitled may, instead of being paid into the Farmers' Bank of Delaware at Wilmington, be placed in the city treasury, and be held by the city for account of the person who shall be justly entitled thereto and paid to such person on demand; and in case the amount so as aforesaid assessed, collected and retained by the city for the purpose of effecting such improvement as aforesaid shall not be required and expended therefor within twelve calendar months after the payment thereof into the city treasury, the whole amount may be demanded and sued for or otherwise recovered from the city by the persons respectively entitled thereto. The return to one commission for assessment for benefit shall not be conclusive, but in regard to reviews, appointment of other commissioners, returns and confirmations, the city and other persons interested shall have the same rights, and the judge the same power and authority, and the effect of confirmation, and the costs, shall be the same as in the case of proceedings for assessment of damages to the owner or owners of property or ground necessary to be taken or occupied therefor for extending, widening, laying out, or opening streets, squares, lanes or alleys under Section 116 of this act. For all the purposes of the foregoing proceedings, when a bill is required to be presented, notice given, or demand made, it may be presented, tendered, given or made to the actual owner of the property in regard to which such proceeding is taken or any one of them, where it is owned by more than one, or to any person occupying, having use or charge of the property, or in case it be unoccupied and the owner unknown or not residing in the said city, such bill may be presented, notice given, or demand made, by setting up or leaving on the premises, or by one advertisement, in a newspaper published in said city, a notice setting forth the substance of such claim, bill, demand or notification; and such proceeding shall have the same effect as if a personal service thereof had been duly made and returned. In case of a corporation-owner or occupant of land benefited or to be benefited by such contemplated improvement, such presentation, notice, or demand may be made to or upon the president, vice president, secretary, treasurer or any director thereof, either personally or by letter mailed to the proper address.

Residue of
of proceeds
of sale
placed in
city treasury

Recovery of
residue from
the city.

Confirmation.
Rights
and powers
of judge and
parties re-
specting
reviews.

Notice of
lien or claim.
How given
to owners of
land.

OF THE CITY OF WILMINGTON.

Council authorized to pave between curbs. **SECTION 118.** The council are hereby authorized, in their discretion, to cause any street to be paved between the curb lines, agreeably to the true regulation of said street, under the direction of the street committee, and the cost and expense of such paving and keeping the same in good order and repair shall be paid by the city and provided for by general taxation. The provisions of this section shall not diminish, or in any way alter the liability of any person to the said "The Mayor and Council of Wilmington," or the lien upon any land or buildings for the expense of paving the beds of streets done prior to its passage.

Costs. How paid.

FOOTWAYS, GUTTERS, ETC.

Proceedings for paving and curbing footways and gutters. **SECTION 119.** Upon the application of fifteen freeholders residing or holding property in any street, lane or alley in said city, or if there be less than fifteen freeholders residing or holding property as aforesaid, then upon the application of a majority of such freeholders, the council are hereby authorized, in their discretion, to issue their precept, signed by the president of said council and directed to the street commissioner, commanding him to cause the footways and gutters of such street, lane or alley to be paved with bricks or stone, as the case may require, and to fix curbstones therein, agreeably to the proper ground plan and regulation of said city. The cost and expense of the paving and the curbing of the footways shall, upon the completion of such paving and curbing, be forthwith assessed by the city auditor upon all the owners of property bordering or fronting on the streets where it is so paved and curbed according to the number of feet contained in the street line of the property of such owners respectively; and he shall lay such assessment before the council at its first stated meeting after the completion of the work. If such assessment shall be approved by the council, the clerk of the council shall immediately enter the said approved assessment in a record book to be kept for that purpose, and the same being so recorded shall, from the time of its entry as aforesaid, be and remain a lien upon the lands and buildings of each of said owners fronting on such street as aforesaid to the extent of the amount of his approved assessment, and as such lien shall have priority against any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the recording of such assessment as aforesaid; and the city auditor shall forthwith present to each of said owners or other persons having charge of said property a bill for the proportion of such expense so

Costs. How borne.

Entry of assessment.

Lien on lands, etc.

Priority.

Duty of city auditor in respect to assessment.

OF THE CITY OF WILMINGTON.

assessed to such owner, and if the amount of said bill be not paid within sixty days after such presentation thereof it shall be the duty of the mayor of said city to issue his warrant directed to the said city auditor, commanding him to levy the same, with all costs thereon, upon the grounds or buildings of such owner fronting on such street as aforesaid, which said grounds or buildings, or any part thereof, shall be sold by said city auditor, at public auction, upon ten days' notice in two newspapers published in said city, and a deed from said city auditor shall convey to the purchaser of said grounds or buildings as full and complete a title to said premises, in fee simple or otherwise, as if the same were executed by said owner thereof; and it shall be the duty of said city auditor, out of the purchase money of the said premises so sold as aforesaid, to pay all costs arising from said process and sale to the parties entitled thereto respectively, and to pay to the city treasurer the amount of said approved assessment so assessed to such owner as aforesaid, for which he shall take and the city treasurer shall give duplicate receipts, one of which shall be retained by said city auditor and the other shall be by him forthwith transmitted to the chairman of the finance committee. The residue of said purchase money shall be immediately deposited by said city auditor in the Farmers' Bank of Delaware at Wilmington to the credit of the owner of the property so sold, for which said city auditor shall take from the cashier of said bank a certificate of deposit, and file the same in the office of the clerk of the council; and the said city auditor shall make return under his hand of his proceedings under such warrant as aforesaid into the office of said clerk, to be there filed by said clerk, who shall also enter said return upon the record of said assessment so kept by him as aforesaid.

Duty of
mayor to is-
sue warrant.
Levy.

Sale.
Notice.

Title.

Payment of
costs and
assessments.

Duplicate
receipts.

Residue of
purchase
money.
Where de-
posited.

Bank cer-
tificate.

Return of
auditor.

SECTION 120. The owner of any ground may pave his, her or their own front or fronts, provided it be completed within twenty days from the day of fitting the curb stone and notice thereof given to such owner, if such owner reside in said city, by writing, under the hand of said commissioner, served personally or by being left at his or her dwelling house; but the curbstones shall in all cases be furnished and fixed by the said commissioner.

Owners may
pave their
own fronts.

SECTION 121. The council shall have full power and authority to compel the paving of footways between the curb stone and the building line in front of lots whereon is erected

Amendment
Chapter 530,
Volume 14.

OF THE CITY OF WILMINGTON.

Footways between curbstone and building line. any dwelling-house, office, place of business, railing, fence, stone or brick wall, or permanent structure of any kind, also in front of such vacant lots as in their discretion should be paved to the full breadth as aforesaid, and to regulate and prescribe the mode of paving footways and the material to be used therein. The space between the curb and building lines on footways where, in the discretion of the council, the owner may not be obliged to pave to a greater breadth than five feet from the curbstone, shall be covered with gravel to the depth of at least six inches and leveled in conformity with the part that is paved. *Provided, however,* that any persons owning land on any street who may desire to fix curbstones in front of their property may have the privilege of purchasing and fixing the same under the supervision of the street commissioner upon application to the city council, and the city council may grant or refuse any such application in its discretion.

Proviso. Privileges of owners.

Certificate of paving by street commissioner. **SECTION 122.** Upon the completion of any paving or curbing as aforesaid, the street commissioner shall give to the owner of the property so curbed and paved a certificate that it has been done according to the proper ground plan and regulation of the city, and shall deliver a duplicate of such certificate to the clerk of the council, who shall record the same in a book to be kept for that purpose, and carefully file and preserve the certificate; and no owner of property to whom such certificate is thus given shall be liable for any change or error of regulation, or subsequent curbing or paving of the same property by the council, but the expense of the same shall be defrayed by the city.

Duplicate certificate.

Liability for errors.

City regulator required to lay out gutters. **SECTION 123.** The city surveyors and regulators are authorized and required to lay out proper gutters, channels and conduits for carrying off the waters in said city.

Act to vacate Water street etc., the width of footways, etc., in force **SECTION 124.** So much of an ordinance of the freemen, resident inhabitants of the borough of Wilmington, in general town meeting legally called and met, entitled "An ordinance to establish the regulation of the ascents and descents of the streets, lanes and alleys within the borough of Wilmington, and for other purposes," as the same is particularly set forth in the third section of an act of the General Assembly entitled "An act to vacate and discontinue the street called Water street in the borough of Wilmington, from Market street westwardly to the line of said borough, and

OF THE CITY OF WILMINGTON.

for other purposes," passed at Dover, January 24th, 1801, as provides for the width of footways and pavements, the depth of gutters, the height of curbs, and the extent of steps, porches, cellar-doors, or other inlets to buildings, in the streets, lanes or alleys of the said city, shall be and the same is hereby declared to be of force for the said several purposes; *provided* that the mayor and the council may widen the footways on any or all the streets in said city, on the application in writing of the owners of the major part of the ground fronting on said street or streets, the admeasurement of said ground to be taken in feet parallel with the curb-stone; *provided further, nevertheless*, that council shall have power in its own discretion to cause the pavements or footways on the northerly side of Water street, or any other part thereof, to be widened to any breadth not exceeding, in the whole, twelve feet.

Proviso.
Widening of
footways.

Further
proviso.

WHARVES.

SECTION 125. The council are hereby declared to have and shall have authority in their discretion to let or demise, for any terms of years not exceeding ten and subject to such rents and reservations as they may deem expedient, the landings at the ends of the streets terminating upon the Brandywine creek or the Christiana creek; *provided* that all demises heretofore made by the council of any such landing as aforesaid, or permission given by the council for making such improvements as aforesaid, are hereby confirmed and declared to be and the same shall be valid and effectual where they have not expired by their own limitation or in due course.

Leasing of
wharves or
street land-
ings on the
Brandywine
or Christiana

Proviso.

CITY MAP.

SECTION 126. The map or plan of the city made under the requirements of Section 28 of Chapter 376, Vol. 11, Delaware Laws, showing all the streets, squares, lanes and public alleys of the said city, with their several dimensions, ascents and descents, and which, upon its completion and approval by the council, was required to be signed by the mayor and president of the council, sealed with the corporate seal, and deposited and kept in the clerk's office, and a duplicate of which, in like manner signed and sealed, was required to be deposited and kept in the office for recording deeds in and for New Castle county, and which map and the duplicate thereof were by the said act made public records, and the same, or an office copy thereof, made competent evidence, shall be

Chapter 376,
Volume 11.
Map or plan
of the city,
regulating
streets, etc.,
adopted.

OF THE CITY OF WILMINGTON.

When council may fix ascents and descents of streets, etc.

deemed and taken to be the true map, plan, or ground plot of said city; and all the streets, squares, lanes and alleys of the city shall be and remain as they shall be laid down upon said map, with such extensions and alterations as have been or may hereafter be made by authority of the laws of this State. The ascents and descents of all streets, lanes and alleys within the city shall be regulated and fixed conformably to said map; but the council may by ordinance (to be passed by a vote of two-thirds of all the members thereof for the time being) regulate and fix the ascents and descents of all streets, lanes and alleys within the said city the ascents and descents of which are not marked and laid down on the aforesaid map or plan.

STEAM-POWER OR HEATING PIPES UNDER STREETS.

Steam-power or heating pipes, etc.

City may require security bond. Warrant of attorney.

SECTION 127. In case of the introduction into, through, under or along the streets of the city, with the consent of the council, of steam-power or heating pipes, or underground telegraph, telephone or electric-light wires, the council shall require, before such work shall commence, payment into the treasury of the city as a guarantee, or some other satisfactory security, that the streets shall not be unnecessarily torn up or obstructed, or kept or left out of repair, or travel unwarrantably impeded, and that the city shall be indemnified against loss, and it shall further require a bond, with personal security thereon, to "The Mayor and Council of Wilmington," with warrant of attorney for the entering judgment thereon, in such sum as the council may deem proper, conditioned to indemnify and save harmless any and all persons, inhabitants of the said city, their persons, goods, chattels, lands and tenements from loss, damage or expense, from or by reason of the introduction into the streets of the said city of such steam-power or heating pipes, or underground telegraph, telephone or electric-light wires, which bond shall be held by the said city for the use of any and all persons who may be aggrieved or suffer loss, damage or expense by reason of the premises, to be accorded to them upon petition of the person aggrieved, under such restrictions as the council may impose; and the council may, when in its judgment the public interests may so require, cause, at the expense of the parties laying or owning the same, such pipes or wires to be removed in whole or in part, or impose such restrictions upon the use thereof as it may think fit in reference to the public interests.

OF THE CITY OF WILMINGTON.

STREET RAILWAYS.

SECTION 128. The Council of Wilmington shall, by a two-thirds vote of all the members thereof, have power and authority, by ordinance, to authorize the construction of railroad tracks, for the use of cars propelled either by steam or horse-power, for the purpose of affording business or manufacturing establishments within said city greater facilities for the shipment and receipt of freight on any of the streets of said city; and in like manner may authorize such alteration in the grade of any street as may be necessary for the proper construction and maintenance of such railway, and may further provide, in like manner, that any owner of land fronting upon such railway may construct a convenient siding or turnout into and upon his premises; *provided, however*, that all expense of construction, grading, paving, keeping in repair, and removing such railway tracks or sidings, shall be paid by the person or persons, firms or corporations for whose use or benefit the same shall be so constructed or thereafter used; *and provided further*, that nothing herein contained shall authorize the connection of any such railway track with the track or tracks of any railway company without an agreement in writing with such railway company, and when any connection shall be so made with the tracks of any such company, no other or greater right shall be acquired by the parties interested to have such connection maintained than shall be expressly stipulated in said agreement; *and provided further*, that nothing herein contained shall be taken to impair, take away or abridge the right of any person aggrieved by such action or license to his remedy at law or in equity for any such grievance or impairment of right sustained by him against the said persons, firms or corporations.

Street rail-
way tracks,
authorized.

Proviso.

Expense.
How borne.

Further
proviso.
Railway
connection.

Remedy at
law.

SECTION 129. The council may by such ordinances provide and establish such regulations and restrictions as it may deem proper for the grading, construction, paving, use and keeping in repair of such tracks and sidings; and may further, at any time when in its judgment the further continuance of such tracks are subversive or destructive of the rights of the citizens to the full and proper use of any streets as common and public highways for their convenience as means of passage and modes of egress and regress to and fro, forthwith, at the proper cost and charges of the persons, firms, or corporations locating the said railroad tracks or sidings, order and cause the entire or partial removal of such tracks and sidings.

Council may
regulate
grades, etc.

Removal of
tracks.

OF THE CITY OF WILMINGTON.

PUMPS.

Supervision
of pumps
and wells.

SECTION 130. The council shall inquire into the condition and direct the repairs of the several pumps and wells within the city; and any pump or well which remains out of repair for three months next after notice given by direction of the council to the owner or owners thereof shall become forfeited to the corporation, to be held as its property and maintained and repaired at the public charge, or abandoned, at its discretion.

PARTY WALLS AND FENCES.

Appoint-
ment of sur-
veyors and
regulators.

Regulation
of party
walls and
foundations.

Using party
wall and fix-
ing value
thereof.

Appeals to
city council.

SECTION 131. The city council shall, from time to time appoint three or more discreet and skillful persons to be city surveyors and regulators, who, upon application made to them, shall enter upon any lands in order to set out the foundations and regulate the walls to be built between party and party within the said city, as to the breadth or thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party wall is to be made; and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall use or break into said wall, and the charge or value thereof shall be determined by the said regulators, or any two of them. Either party may appeal to the council at its next stated meeting, which shall finally adjust the matter and make such order for the payment of costs as it shall deem just.

Penalty for
disregarding
regulation
of walls, etc.

SECTION 132. If any person shall begin or lay the foundation of any party wall or other building, as aforesaid, except in conformity to the provisions of the foregoing section, every such person, as well employer as master-builder, shall, for such offense, forfeit and pay a fine of fifty dollars.

Regulation
of partition
fences.

SECTION 133. The city surveyors and regulators, or any two of them, shall regulate all partition fences within said city; such fences shall be made in the manner generally used and kept in good repair at the equal expense of the parties, to be recoverable in the municipal court as debts of like amount are recoverable before a justice of the peace; *provided* that the costs of making the same do not exceed twenty-five dollars for every hundred feet in length, and so in proportion, unless the owners or possessors, between whom such fence is erected, otherwise agree.

OF THE CITY OF WILMINGTON.

DRAINAGE.

SECTION 134. The council shall have the entire jurisdiction and control within the limits of said city of the drainage thereof, and may pass ordinances for the opening of gutters, drains and sewers within the limits thereof, and the regulating and maintaining, cleansing, and keeping the same and the natural water courses, runs and rivulets within the said limits open, clear and unobstructed, and for that purpose may authorize the entry upon private land, and by general regulations prescribe the mode in which they shall be opened, maintained, cleansed, and kept open and unobstructed, and who shall bear the expense thereof, and may, in its discretion, assess the costs thereof upon the persons and property, real and personal, of those particularly benefited thereby, or of those owning or holding lands through or along which said sewers, drains or water-courses shall flow or pass, and prescribe the mode of collection thereof. *Provided* that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

SECTION 135. The city council shall also have the right to alter and change the course or direction of any of the natural water courses, runs, or rivulets within the limits of said city, and for that purpose to enter upon, take and occupy lands, tenements and hereditaments. Before any property or ground shall be taken or occupied for such purpose the owner or owners of such property or ground shall be paid or tendered such damages as they shall be respectively entitled to receive, which damages shall be assessed, paid, or tendered in the same manner as in the case of the taking of ground or property for extending, widening, laying out, or opening of streets. The cost of such alteration or change shall be estimated, and any allotment, apportionment, assessment, or division of any portion thereof, as the freeholders may deem just and reasonable, shall be made upon and among the persons, properties, interests and estates specially benefited by such alteration or change, and collected and made a lien in the mode provided in the case of extending, widening, laying out or opening any street, as provided for in this act.

BOARD OF HEALTH.

SECTION 136. It shall be the duty of the mayor of said city, and he is hereby authorized and directed, annually, on the first Thursday in May, to appoint a Board of Health for

OF THE CITY OF WILMINGTON.

How composed. said city, which board shall consist of the port physician, two other physicians, one practical plumber and one general business man. The chief engineer of the surveying department of said city shall be *ex officio* a member of the board of health without salary as such. The said board shall appoint its own president and treasurer from among its members, and shall have power and authority to appoint two executive officers for the term of one year, who shall be

Duty of secretary. vested with like powers as city constables. The secretary of the board shall keep the minutes of the meetings of the board, and shall perform all such duties as shall be assigned to him by said board. Three members shall constitute a

Quorum. quorum to do business. The said mayor shall have power

Vacancies. to fill all vacancies in said board occurring by death or otherwise, and may remove, for sufficient cause, any member of said board which it is his duty to appoint.

General powers. SECTION 137. The said board shall be invested with all the powers and authority which the council might or could exercise relative to the object of their institution, and with all powers and authority conferred and duties enjoined upon members of boards of health by the laws of the State, and by the ordinances of said city, for the preservation of the public health within said city, or within one mile thereof. And the said board of health, upon complaint that a nuisance has been created, erected or continued and is continued within said city, or within one mile of the boundaries thereof, which may prove injurious to the health of the inhabitants thereof, shall hear and determine such complaint, and if necessary view and examine the matter or thing complained of; and if the said board shall adjudge the place or thing complained of to be a nuisance, whereby the health of the inhabitants of said city is or may be injured, the said board shall give directions to cleanse, remove, abate or remedy the same to the person or persons causing or producing such nuisance, or to the owner or owners, agents, tenants or occupier of the premises whereon the said nuisance exists; and if the person or persons, owner or owners, agents, tenants, or occupant to whom such direction is given shall not observe and fulfill the same within the time therein prescribed by said board, the said board shall have power to order the said directions to be carried into effect by some officer of the board or other person to whom the service may be committed, and the expenses thereof shall be paid by the person to whom the direction was originally given; but if the same shall not be paid by said

Power respecting nuisances.

OF THE CITY OF WILMINGTON.

person on demand, the same shall be paid by the treasurer of the board, who shall have the right to recover the same with interest and costs from the person who ought to have paid the same as aforesaid, as debts of like amount are recoverable.

Any owner or owners, agent, tenant or occupant of the premises, who shall fail, neglect, omit or refuse to comply with the directions of said board as aforesaid shall, in addition to the penalties above mentioned, forfeit and pay a fine of not less than one dollar nor more than twenty dollars for every such offense, to be recovered in the municipal court of said city in the name of The Mayor and Council of Wilmington, and in default of the payment thereof shall be committed to jail until said fine and costs are paid or otherwise discharged by law. From the judgment of said court in such cases there shall be no appeal.

Refusal to
comply with
regulations
of board.

Penalties.

SECTION 138. Whenever the said Board of Health shall declare any street, lane, alley, vacant lot, or other place belonging to the City of Wilmington to be a nuisance, injurious to the health of the inhabitants thereof, the said board shall have power to notify the executive officer of the board of health of said city to abate and remove said nuisance within such time as said board may, in such direction, designate. If said executive officer of the board of health shall neglect, omit or refuse to comply with such directions as aforesaid, the board of health shall have power and authority to have the same abated, removed or cleansed by such officer or person as said board may appoint, and the cost thereof, being approved by the board as aforesaid, shall be paid by the council of said city in the same manner as other bills are paid by said city, and the bills so paid as aforesaid shall by said council be charged to the appropriation for cleaning and repairing streets of said city.

Further
powers re-
specting
nuisances.

BOARD OF PUBLIC EDUCATION.

SECTION 139. The charter of the Board of Public Education in Wilmington, and the various supplements thereto now in force (except as hereinafter altered), shall continue and be in full force, and the same is hereby extended and continued for the term of twenty years from the passage of this act; and the said corporation, with all the rights, powers, privileges, franchises and immunities which are now vested in it by any law of this State, is hereby continued, extended and shall be held in full force and operation for the term of twenty years from and after the passing of this act.

Charter of
the board of
public edu-
cation ex-
tended for
twenty years

OF THE CITY OF WILMINGTON.

| | |
|---|---|
| Members. | SECTION 140. The Board of Public Education in Wilmington shall hereafter consist of two members from each of the wards in the City of Wilmington. Said members must have |
| Qualifications. | been bona fide freeholders in said city during at least one month before the election qualified voters in the ward for |
| How chosen | which they are chosen, and they shall be chosen by ballot by |
| Qualification of voters at school election. | the inhabitants of the ward who shall have been assessed for and paid the school tax for the City of Wilmington for the preceding year and who shall be otherwise qualified to vote at all city elections. A plurality of votes shall elect. No |
| Members of council ineligible. | member of the council shall be a member of the board of public education. The board of public education shall ap- |
| Place of election appointed by the board. | point a place of holding the election in each ward, and give notice thereof in the different newspapers published in the City of Wilmington for ten days previous to the time of said |
| Notice. | election, and also give at least four days notice of it by handbills, under the name of the secretary of the board, posted in four or more of the most public places in the ward. The |
| Date and hours of election. | election of members of the board shall be held on the first Saturday of May in each and every year. The election shall be held in the afternoon, the polls opened at twelve o'clock, or within thirty minutes thereafter, and close at six o'clock. |
| Inspectors of election for members of board of education. | The inspector and assistant inspectors of the city election in their respective wards shall hold the election of members of the board of public education in the respective wards (in wards, however, containing two districts, the inspector and assistant inspectors residing in the district in which the polling places are situated shall hold the said election), and if they refuse, or are not at the place of election at the time of opening the polls, the voters present shall, by plurality, without ballot, choose an officer for holding the election in place of the one or more refusing or not present. The officers holding the election shall, before opening the election, each take an oath or affirmation, as follows: |
| Oath of inspectors. | I, ———, do solemnly swear (or affirm) that in holding the election this day for a member or members of the Board of Public Education, I will faithfully and impartially discharge my duty, and make true certificates thereof and deliver the same according to law, so help me God (or, so I solemnly affirm). |
| Who may administer the oath. | The inspector is authorized to administer this oath or affirmation to the assistants, and either of them to him, or to each other. Within two days after any election the certificates of it shall be delivered, under the hands of the officers |
| Certificates of election. | |

OF THE CITY OF WILMINGTON.

holding the election, to wit: one to the secretary of the board and one to the member-elect, which certificates shall be made out and signed by the officers holding the election immediately after counting the votes. The board shall be the judge of the election of its members. The present members of the board shall continue to hold the offices to which they were by the provisions of law heretofore in force respectively elected until the regular and due expiration of the terms thereof, the same as if this act had not been passed. On the first Saturday in May, A. D. 1883, an election shall be held, at which shall be chosen one member for each ward for the term of two years, and persons to fill vacancies then existing for any unexpired term; and annually thereafter, on the first Saturday in May, elections shall be held for one member for each ward to hold office for two years, and as well to fill vacancies. Moving out of the ward vacates the office of the member. All vacancies shall be filled by the board till the next election, when members shall be chosen to fill vacancies.

When made out, and to whom delivered.

Members elected in 1883.

One member for each ward elected annually for two years. Removal from ward vacates seat. Vacancies. How filled.

SECTION 141. If any person not having a right to vote at any election held under this act shall vote at such election, or if any person shall vote in a ward in which he does not reside, or if any inspector or assistant shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of any election as required by the next foregoing section, every such person, inspector and assistants shall forfeit and pay the sum of fifty dollars (\$50.00), to be adjudged on indictment and conviction in the Court of General Sessions in and for New Castle county, and to be paid to the board aforesaid for the benefit of the schools under their charge.

Taking illegal votes, and illegal voting.

Penalty.

SECTION 142. The board aforesaid shall continue to be a corporation by the name of "The Board of Public Education in Wilmington," and shall be capable in law to take, purchase, hold, sell, grant, demise or otherwise dispose of lands, tenements, hereditaments, goods, chattels and effects, and shall have control and authority over all the public schools in the City of Wilmington, and shall increase the number and improve the condition thereof, and do all acts necessary for establishing and maintaining said schools as they shall deem judicious and expedient until there are sufficient public schools to accommodate all the children and minors whose parents, guardians or masters desire for them the benefit. *Provided* the schools for white children and minors shall be

Corporate name.

Powers.

Control of public schools.

Proviso.

OF THE CITY OF WILMINGTON.

Separate schools. No banking powers. Quorum. By-laws. Teachers and salaries. Dismissal of teachers. Branches taught. Books used.

separate and distinct from the schools provided for colored children and minors. They shall have no banking powers. Twelve members shall form a quorum. They shall have power to make by-laws, to appoint all teachers and fix the amount of their salaries, and may dismiss them at any time for incompetency, cruelty, neglect of duty, or immorality; shall direct what branches of learning shall be taught in each school and what books shall be used therein; they may prescribe and enforce such rules and conditions as they may deem proper for the admission of pupils to the school, and

Dismissal of children.

may suspend or expel from the schools all pupils found guilty of refractory or incorrigible conduct. They shall appoint visiting committees, make regulations, and have stated monthly meetings. The officers of the board shall be a president, who must be a member, a secretary, treasurer, and such other officers and agents as may be found necessary. The board may appoint a person not a member of the same

Visiting committees. Officers of the board. Qualifications.

Secretary. Security.

Compensation of secretary. Qualification and bond of treasurer.

shall, during the month of April in each year, cause to be prepared and laid before them estimates of their probable revenue and expenses for the ensuing fiscal year, which estimates they shall lay before the council on or before the first stated meeting of council in May following. At the time of presenting to council said estimates of revenue and expenses, the said board shall, if necessary, also in addition thereto present to council an estimate, not to exceed twenty thousand dollars, for the erection or extension of school houses and for furniture and heating apparatus for the same. The said board, early in June in each year, after the council shall have made the appropriation for the use of the public schools for the following fiscal year as hereinafter mentioned, shall make apportionment and appropriations for their expenditures for that year, based as nearly as may be upon the estimates made by them in April previous, and such apportionment and appropriations shall be specified and arranged

Annual estimates of revenue, etc.

Additional estimates. Limitation.

Annual appropriations

OF THE CITY OF WILMINGTON.

under the heads or items designated in the said estimates. The expenditures of the year, under any head or item of appropriation, shall not exceed that item of appropriation unless the same be voted for by two-thirds at least of all the members of said board, a record of which vote shall be made upon the minutes. Under no circumstances shall the appropriation for the erection or extension of school houses, and for furniture and heating apparatus for the same, be used for any other purpose. The said board shall have no power or authority to borrow money or contract or create any debt or liability except ordinary debts and liabilities incurred in executing the duties imposed on them by law, to be paid out of the said appropriation made by council and the receipts of the year for the time then current; no money shall be paid from the treasury of the board unless the same shall have been appropriated as aforesaid. If the treasurer of the board shall pay out of the treasury any money, or draw any order for the payment of any money contrary to this provision, he shall forfeit and pay a fine of five hundred dollars, and he and his sureties shall be liable to the board upon his official obligation for any money so paid out by him.

Expenditures not to exceed appropriation. Exception.

Board not authorized to borrow money nor create debts.

Exception.

Liability of treasurer.

SECTION 143. The said board shall, during the month of July in each year, cause to be published, in the daily newspapers of the City of Wilmington, a full report of their accounts and proceedings during the past year, setting forth aggregates under appropriate heads. They shall also depute one of their members to attend with and lay their accounts and vouchers before the council at the next regular meeting following such publication and also to settle with the State Auditor.

Accounts to be published and laid before city council.

Settlement with State Auditor.

SECTION 144. The council shall, every year, when determining the amount necessary to be raised on the persons and estates in the city for public use, also include the sum necessary to be raised on the persons and estates for executing the foregoing provisions; *provided* that the amount to be raised for current school expenses as aforesaid in any one year shall be exclusive of the amount designated for the erection or extension of school houses and for furniture and heating apparatus for the same. The amount collected for school purposes shall be paid into the city treasury as other taxes are paid. At the time of making the annual appropriations for public use the council shall also make an appropriation for current school expenses equal in amount to that annually computed and laid before said council by the "Board

Amount of school taxes determined

Proviso.

Payment into city treasury.

Appropriation for current school expenses.

OF THE CITY OF WILMINGTON.

Proviso. of Public Education in Wilmington;" *provided* that the sums so computed and appropriated shall be exclusive of the amount designated for the erection or extension of school houses and for furniture and heating apparatus for the same; *and provided further*, that any demand made by the board upon the council for ordinary and current expenses, exclusive of the amount required for the erection or extension of school houses and for furniture and heating apparatus for the same, shall not exceed eighty thousand dollars (\$80,000) for the fiscal year A. D. 1883-4; and the increase shall not, for any succeeding fiscal year, be greater than five per centum additional upon the aggregate amount for the fiscal year preceding; *and provided further*, that the amount demanded for the erection or extension of school houses and for furniture and heating apparatus for the same shall not exceed twenty thousand (\$20,000) for any one year. Council may also, in making appropriations for the use of the Board of Public Education for the fiscal year A. D. 1883-4, include therein the further sum of five thousand dollars (\$5,000) to erect fire-escapes upon the school buildings, and to complete the payment of expenses incurred in the extension of school building No. 4 in the City of Wilmington. The amount of the appropriations for current school expenses so made by the council shall be paid in full, in twelve equal installments, on the second Monday in each and every month during the year, by the city treasurer, upon orders drawn by the aforesaid board under the hand of the president, attested by the secretary. The amount designated for the erection or extension of school houses and for furniture and heating apparatus for the same shall be paid by the city treasurer to the treasurer of the board on or before the first day of August of the fiscal year for which the same was so designated and raised.

Amount for current school expenses not to exceed \$80,000 for fiscal year. Future increase of appropriation limited.

Amount for erection of school houses, etc. not to exceed \$20,000.

Amount for fire escapes.

Appropriations for school expenses paid in monthly installments. Orders. How drawn.

When amounts for school houses, etc., paid.

School dividends. SECTION 145. The said board shall have right to draw dividends from time to time made and entered to the credit of the School Districts Nos. 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20½ in New Castle county in the account of the Trustee of the School Fund with said districts respectively; and it shall be the duty of the said trustee to pay said dividends upon an order signed by the president of said board and attested by the secretary, accompanied by a certificate signed and attested in like manner that the said board has received for the benefit of public schools under their charge a sum equal to the aggregate of the sums required to be paid in every of the said districts in order to the

Mode of payment.

OF THE CITY OF WILMINGTON.

drawing of the said dividends, the said board being substituted for the school committee of the united school districts composed of the school districts aforesaid.

SECTION 146. No member of the board of education shall, directly or indirectly, be concerned or interested pecuniarily in any bid, order, or contract, made to, with, by or for said board. They shall have no pay or emoluments nor be allowed compensation for any service. No compensation.

SECTION 147. Each member, before entering upon office, shall take the following oath or affirmation: I, ———, do solemnly swear (or affirm) that I have been a bona fide freeholder in the City of Wilmington for the period of one month prior to my election and a qualified voter in the ward for which I am chosen a member of the Board of Public Education in Wilmington; that I will diligently and faithfully perform the duties of a member of said board according to the best of my knowledge and judgment, and that I will not be controlled in any vote or action as a member of said board from political or partisan considerations. Such oath or affirmation may be administered by the president, secretary, or any member of the board as well as by any officer by law authorized to administer oaths or affirmations. Oath. By whom administered

FINES, FORFEITURES AND PENALTIES.

SECTION 148. All fines and forfeitures incurred under this act, or under any ordinance of said city, shall, except in cases otherwise provided for by law, be enforced, collected and paid into the city treasury for the use of the corporation. Fines. Their enforcement and disposal

SECTION 149. The printed copies of the ordinances and resolutions of the Council of Wilmington, whether of a public or private nature, published by authority of council, shall be admitted as evidence thereof in all courts and on all occasions; and in pleading it shall not be necessary to recite or draw them out at large. Printed copies of ordinances, etc., evidence.

SECTION 150. Nothing in this act shall be construed to affect or in any manner impair the existing provisions of law relating to "the sinking fund" for the payment of the city debt of Wilmington, or the validity of any existing debt or security of the said city or of the Board of Public Education in Wilmington, or the existing provisions of law for the payment thereof. Validity of city obligations.

OF THE CITY OF WILMINGTON.

SECTION 151. All acts or parts of acts inconsistent with or manifestly superseded and supplied by the provisions of this act are hereby repealed, except as to the provisions contained in schedule A, hereunto subjoined, which are continued in force until they shall have expired by virtue of the limitations therein contained.

SECTION 152. This act shall be deemed and taken to be a public act, and shall be construed most favorably for the corporation.

Schedule "A," referred to in the preceding act.

LIMITED EXEMPTIONS FROM TAXATION.

Preamble.

WHEREAS all that portion of the Second, Eighth and Ninth Wards in the City of Wilmington, hereinafter described, is very sparsely inhabited and has very few buildings thereon erected, and derives very little, if any, benefit from being included in the limits of the city; the said portion of the Second Ward being described as follows: Beginning in the center line of the Wilmington and Western railroad on the southeasterly side of the Christiana river; thence with the center line of said railroad in a southeasterly direction to the line of the west side of French street; thence with the said side of French street in a northeasterly direction to the southwest side of the Christiana river; thence down the same and binding thereon to the westerly side of Church street; thence with the said side of Church street southwesterly to the center line of the said Wilmington and Western railroad; thence with the center line of said railroad to the easterly side of Heald street; thence with said side of Heald street southwesterly to the northeasterly side of D street; thence by the said side of D street southeasterly to the northwesterly side of Goodman street; thence by the said side of Goodman street northeasterly to the easterly side of Christiana avenue; thence by said side of said avenue to the southerly side of Commerce street; thence by said side of Commerce street easterly to the Christiana river; thence down the said Christiana river and binding thereon to its mouth at the River Delaware, and thence down the Delaware river and binding thereon in a southerly direction to the city line; thence with said city line in a northwesterly direction to the southeasterly side of the Christiana river; thence down the Christiana river and binding thereon to the place of beginning. The said portion of the Eighth Ward being described as follows: Beginning

OF THE CITY OF WILMINGTON.

at a point in the centre line of Eighth street extended, at the distance of seven hundred and fifty-nine feet eight inches easterly from the center of Buttonwood street; thence north twenty-one degrees and fifteen minutes east, one hundred and fifty-two feet eight inches to the southerly bank of the Brandywine creek; thence down said creek and binding thereon to its mouth at the Christiana river; thence up the said Christiana river and binding thereon to a point which bears from the first-mentioned point or place of beginning south twenty-one degrees and fifteen minutes west; thence with the said bearing reversed, (north twenty-one degrees and fifteen minutes east), to the place of beginning. The said portion of the Ninth Ward being described as follows: Beginning at a point on the northeasterly side of Brandywine creek and in the southeasterly side of Washington street; thence northwesterly by the said side of Washington street to the southwesterly side of Twenty-sixth street; thence with the said side of Twenty-sixth street southeasterly to the northwesterly side of Jessup street; thence southwesterly by the said side of Jessup street to the southwesterly side of Vandever avenue; thence by the said side of Vandever avenue southeasterly to the division line between the lands of Jessup & Moore and lands late of William Thatcher, deceased; thence with said division line southwesterly to the Brandywine creek; thence down said creek and binding thereon to the northeasterly side of Fourteenth street; thence by said side of Fourteenth street southeasterly to the northwesterly side of Thatcher street; thence northeasterly by the said side of Thatcher street to the southwesterly side of Vandever avenue; thence southeasterly by the said side of said avenue to the Philadelphia, Wilmington and Baltimore railroad; thence in a southerly direction by the several courses of the old marsh lane to the point of its intersection with Thirteenth street; thence westerly by the middle of said Thirteenth street to its intersection with Bowers street; thence southerly by the center line of said Bowers street extended to the Brandywine creek; thence down the said creek by the several courses thereof to the Christiana river; thence down the Christiana river and binding thereon to its mouth at the River Delaware; thence up the Delaware river in a northerly direction to the city line; thence by the said city line in a westerly and southwesterly direction to the northeasterly side of Brandywine creek, and thence down the said Brandywine creek by the several courses thereof to the place of beginning; therefore,

Preamble.

OF THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):

Partial ex-
emptions
from taxa-
tion.

Sub. § 1. That the Mayor and Council of Wilmington shall, by the city council, after the assessment has been made in each year for city and school purposes of the persons and estates in the said part of the Second, Sixth* and Ninth Wards, levy and collect from the said persons and estates, taxes for both city and school purposes, in full of all taxes, at a rate not exceeding one-half of the rate levied on persons and estates in the remaining parts of said city.

Sub. § 2. Be it further enacted, That this act shall take effect from the date of its passage and continue in force until the thirty-first day of December, A. D. eighteen hundred and eighty-six, and no longer.

Certain land
exempt for
ten years in
second,
eighth, and
tenth wards.

Sub. § 3. The real estate of any person or persons, or body corporate, within the limits of the portions of the Second, Eighth and Ninth Wards of the City of Wilmington, hereinafter described, upon which any manufactory or other industrial improvements for the employment of labor is now or may hereafter be erected after the passage of this act, shall be exempt for a period of ten years, after the same shall hereafter have been erected and be first assessable, from assessment and taxation for state, county or municipal purposes. The said exemption to apply only to the land occupied by such manufacturing or other industrial improvements and necessary to their operation. In the event of any question as to the quantity actually necessary for this purpose it shall be determined by the city council. The portions of said wards to be embraced within the provisions of this act are described as follows, to wit: In the Second Ward beginning in the center line of the Delaware Western railroad on the southeasterly side of the Christiana river; thence with the center of said railroad in a southeasterly direction to the line of the west side of French street; thence with the said side of French street in a northeasterly direction to the southwest side of the Christiana river; thence down the same and binding thereon to the westerly side of Church street; thence with the said side of Church street southwesterly to the center line of the said Delaware Western railroad; thence with the center line of said railroad to the easterly side of Heald

Second ward

*So enrolled and so in original bill.

OF THE CITY OF WILMINGTON.

street; thence with said side of Heald street southwesterly to the northeasterly side of D street; thence by the said side of D street southeasterly to the northwesterly side of Goodman street; thence by the said side of Goodman street northeasterly to the easterly side of Christiana avenue; thence by said side of said avenue to the southerly side of Commerce street; thence by said side of Commerce street easterly to the Christiana river; thence down the said Christiana river and binding thereon to its mouth at the River Delaware; thence down the Delaware river and binding thereon in a southerly direction to the city line; thence with said city line in a northwesterly direction to the southeasterly side of the Christiana river; and thence down the Christiana river and binding thereon to the place of beginning. In the Eighth Ward, ^{Eighth ward} beginning at a point in the center line of Eighth street extended, at the distance of seven hundred and fifty-nine feet and eight inches easterly from the center of Buttonwood street; thence north twenty-one degrees and fifteen minutes east one hundred and fifty-two feet and eight inches to the southerly bank of the Brandywine creek; thence down said creek and binding thereon to its mouth at the Christiana river; thence up the said Christiana river and binding thereon to a point which bears from the first-mentioned point or place of beginning south twenty-one degrees and fifteen minutes west; thence with the said bearing reversed (north twenty-one degrees and fifteen minutes east) to the place of beginning. And in Ninth Ward ^{Ninth ward.} beginning at a point on the northeasterly side of Brandywine creek and in the southeasterly side of Washington street; thence northeasterly by the said side of Washington street to the southwesterly side of Twenty-sixth street; thence with the said side of Twenty-sixth street southeasterly to the northwesterly side of Jessup street; thence southwesterly by the said side of Jessup street to the southwesterly side of Vandever avenue; thence by the said side of Vandever avenue southeasterly to the division line between the lands now or formerly of Jessup & Moore and lands late of William Thatcher, deceased; thence with said division line southwesterly to the Brandywine creek; thence down said creek and binding thereon to the northeasterly side of Fourteenth street; thence by said side of Fourteenth street southeasterly to the northwesterly side of Thatcher street; thence northeasterly by the said side of Thatcher street to the southwesterly side of Vandever avenue; thence southeasterly by the said side of said avenue to the Philadelphia, Wilmington and Baltimore railroad; thence in a southerly

OF THE CITY OF WILMINGTON.

direction by the several courses of the old marsh lane to the point of its intersection with Thirteenth street; thence westerly by the middle of said Thirteenth street to its intersection with Bowers street; thence southerly by the center line of said Bowers street extended to the Brandywine creek; thence down the said creek by the said courses thereof to the Christiana river; thence down the Christiana river and binding thereon to its mouth at the river Delaware; thence up the Delaware river in a northerly direction to the city line; thence by the said city line in a westerly and southwesterly direction to the northeasterly side of the Brandywine creek, and thence down the said Brandywine creek by the several courses thereof to the place of beginning. Also beginning at the intersection of the middle of Tenth street with the Brandywine river on the westerly side of the Philadelphia, Wilmington and Baltimore railroad; thence easterly and along said Tenth street to said Philadelphia, Wilmington and Baltimore railroad; thence northeasterly and along said railroad one hundred feet to a corner; thence by a straight line easterly to the center of Tenth street at its intersection with the Brandywine creek; and thence by said creek by its several courses to the place of beginning.

That the real estate in the territory taken into the corporate limits of the City of Wilmington by virtue of the extension of the boundaries thereof by and under the provisions of an act entitled "An act to further amend the Charter of the City of Wilmington," passed at Dover, April 7, A. D. 1881, for the space of three years from and after the passage of said act, shall be subject to taxation for municipal and school purposes for the City of Wilmington at the rate of only one-third the regular tax rate levied and laid upon real estate in other portions of said city; and for the following three years thereafter at the rate of only one-half the regular tax rate levied and laid upon real estate in other portions of said city.

Sub. § 4. That the present officers of the City of Wilmington shall continue in office until others shall have been duly elected or appointed and qualified under and in accordance with the provisions of this act.

Passed at Dover, April 13, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 208.

OF THE CITY OF WILMINGTON.

AN ACT to amend the Charter of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

SECTION 1. For the purpose of holding elections for city, state and county officers, in Wilmington city and hundred, the city shall be divided into twenty-six election districts, as follows, to wit:

All that portion of the First Ward lying and being south of Third street shall form the First Election District; City divided into twenty-six election districts.

All that part of the First Ward lying and being north of Third street shall form the Second Election District; First district

All that part of the Second Ward lying and being south of the Christiana creek or river shall form the Third Election District; Second.

All that part of the Second Ward lying and being north of the Christiana creek or river shall form the Fourth Election District; Third.

All that portion of the Third Ward lying and being south of Fourth street and east of Madison street shall form the Fifth Election District; Fourth.

All that portion of the Third Ward lying and being south of Fourth street and west of Madison street shall form the Sixth Election District; Fifth.

All that portion of the Third Ward lying and being north of Fourth street shall form the Seventh Election District; Sixth.

All that portion of the Fourth Ward lying and being west of Lombard street shall form the Eighth Election District; Seventh.

All that portion of the Fourth Ward lying and being east of Lombard street shall form the Ninth Election District; Eighth.

All that portion of the Fifth Ward lying and being east of Washington street shall form the Tenth Election District; Ninth.

All that portion of the Fifth Ward lying and being west of Washington street and east of Adams street shall form the Eleventh Election District; Tenth.

All that portion of the Fifth Ward lying and being west of Adams street shall form the Twelfth Election District; Eleventh.

All that portion of the Sixth Ward lying and being south of Eighth street shall form the Thirteenth Election District; Twelfth.

OF THE CITY OF WILMINGTON.

- Fourteenth. All that portion of the Sixth Ward lying and being north of Eighth street and south of Tenth street shall form the Fourteenth Election District;
- Fifteenth. All that portion of the Sixth Ward lying and being north of Tenth street shall form the Fifteenth Election District;
- Sixteenth. All that portion of the Seventh Ward east of Franklin street and south of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Sixteenth Election District;
- Seventeenth. All that portion of the Seventh Ward lying and being east of Franklin street and north of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Seventeenth Election District;
- Eighteenth. All that portion of the Seventh Ward lying and being west of Franklin street shall form the Eighteenth Election District;
- Nineteenth. All that portion of the Eighth Ward lying and being south of Eighth street shall form the Nineteenth Election District;
- Twentieth. All that portion of the Eighth Ward lying and being north of Eighth street and south of Tenth street shall form the Twentieth Election District;
- Twenty-first. All that portion of the Eighth Ward lying and being north of Tenth street shall form the Twenty-first Election District;
- Twenty-second. All that portion of the Ninth Ward lying and being east of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-second Election District;
- Twenty-third. All that portion of the Ninth Ward lying and being west of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-third Election District;
- Twenty-fourth. All that portion of the Tenth Ward lying and being north of Second street shall form the Twenty-fourth Election District;
- Twenty-fifth. All that portion of the Tenth Ward lying and being south of Second street shall form the Twenty-fifth Election District;
- Twenty-sixth. The Eleventh Ward, as at present defined and bounded, shall form the Twenty-sixth Election District.

Whenever a street is mentioned as a boundary in this section, the centre line or middle thereof shall be understood.

OF THE CITY OF WILMINGTON.

SECTION 2. The polling places in the several election districts above designated shall be as follows: ^{Voting places.}

In the First Election District, at the house situated on ^{First district} the northeast corner of Second and Tatnall streets;

In the Second Election District, at the house situated on ^{Second.} the northeast corner of Second and Orange streets;

In the Third Election District, at the house situated on the ^{Third.} southeast corner of Heald and Apple streets;

In the Fourth Election District, at the house known as the ^{Fourth.} "Felton House," on the southeast corner of Second and Walnut streets;

In the Fifth Election District, at the house situated on the ^{Fifth.} northeast corner of Christiana and Madison streets;

In the Sixth Election District, at Witsil's store, on the ^{Sixth.} southwest corner of Front and Madison streets;

In the Seventh Election District, at the house situated on ^{Seventh.} the southeast corner of Fifth and Madison streets;

In the Eighth Election District, at the house on the north- ^{Eighth.} west corner of Fourth and French streets;

In the Ninth Election District, at the house situated on ^{Ninth.} the southwest corner of Fifth and Spruce streets;

In the Tenth Election District, at the LaFayette Hotel, ^{Tenth.} situated on the southwest corner of Ninth and Shipley streets;

In the Eleventh Election District, at the house situated on ^{Eleventh.} the northeast corner of Sixth and Madison streets;

In the Twelfth Election District, at some convenient place ^{Twelfth.} in said district, to be chosen by the inspector and assistant inspectors of said district, or any two of them;

In the Thirteenth Election District, at the Askew building, ^{Thirteenth.} situated on the northeast corner of Seventh and Market streets;

In the Fourteenth Election District, in the building now ^{Fourteenth.} owned by McLear and Kendall, situated on east side of King street, below Ninth street;

In the Fifteenth Election District, at the house situated on ^{Fifteenth.} the southwest corner of Fourteenth and King streets;

In the Sixteenth Election District, at the house situated on ^{Sixteenth.} the southwest corner of Tenth and Orange streets;

In the Seventeenth Election District, at the school house ^{Seventeenth} known as the Howard School, situated on the east side of Orange street, between Twelfth and Thirteenth streets;

In the Eighteenth Election District, at the house known ^{Eighteenth.} as the "Logan House;"

In the Nineteenth Election District, at the house situated ^{Nineteenth.} on the northwest corner of Sixth and Church streets;

OF THE CITY OF WILMINGTON.

- Twentieth. In the Twentieth Election District, at the house situated on the northeast corner of Eighth and Kirkwood streets;
- Twenty-first. In the Twenty-first Election District, at the house situated on the southwest corner of Eleventh and Lombard streets;
- Twenty-second. In the Twenty-second Election District, at the house situated on the southeast corner of Thirteenth and Heald streets;
- Twenty-third. In the Twenty-third Election District, at the house known as the "Brandywine Academy;"
- Twenty-fourth. In the Twenty-fourth Election District, at the house situated on the southeast corner of Third and Van Buren streets;
- Twenty-fifth. In the Twenty-fifth Election District, at the house situated on the northeast corner of Chestnut and Van Buren streets;
- Twenty-sixth. In the Twenty-sixth Election District, in the house situated at the northwest corner of Maryland avenue and Beach street.

If any of the above voting places cannot be secured, inspectors may choose place. Whenever, for any reason, any of the polling places designated above cannot be secured, the inspector and assistant inspectors, or any two of them, shall have power to choose some convenient place in the district to be used as a polling place. At the places named in this section shall be held the general election, all special elections for members of the General Assembly and representative or representatives in Congress, elections for electors of president and vice-president of the United States, and elections for assessors of Wilmington hundred, and for inspectors and assistant inspectors of said districts.

When to go into operation. SECTION 3. The city elections, to be held in June, A. D. 1883, shall be held in the election districts as heretofore constituted, and the division of the said city in the new election districts herein created shall go into operation for the first time at the city election to be held in the month of June, A. D. 1884, and thereafter all elections for city, state and county officers shall be held in the election districts and at the places in said districts as constituted by the provisions of this act.

Election of inspectors. At the city election held in June, A. D. 1884, and annually thereafter, an inspector and two assistant inspectors for each of the election districts as herein created shall be chosen in the same manner as now prescribed by law for the election of inspectors and assistant inspectors in the election districts of said city as heretofore constituted. The inspectors and assistant inspectors for the city election to be held in June, 1884, shall be selected by the council; *provided* that in the First, Second, Eighth, Ninth, Tenth, Eighteenth and Twenty-sixth Election Districts, as created by this act, the inspec-

How chosen in certain districts below classified

OF THE CITY OF WILMINGTON.

tor and one assistant inspector shall be chosen from the party which at the city election held in June, 1883, shall have had the majority in the First, Second, Fifth, Sixth, Seventh, Twelfth and Seventeenth Election Districts respectively, as created prior to the passage of this act. The inspector and one assistant inspector in the Third and Fourth Election Districts as herein constituted shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the districts as heretofore constituted the Third Election District. The inspector and one assistant inspector in the Fifth, Sixth and Seventh Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Fourth Election District as heretofore constituted. The inspector and one assistant inspector in the Eleventh and Twelfth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Eighth Election District as heretofore constituted. The inspector and assistant inspector in the Thirteenth and Fourteenth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Ninth Election District as heretofore constituted. The inspector and assistant inspector in the Fifteenth Election District, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Tenth Election District as heretofore constituted. The inspector and one assistant inspector in the Sixteenth and Seventeenth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Eleventh Election District as heretofore constituted. The inspector and one assistant inspector in the Nineteenth and Twentieth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Thirteenth Election District as heretofore constituted. The inspector and one assistant inspector in the Twenty-first Election District, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Fourteenth Election District as heretofore constituted. The inspector and one assistant inspector in the Twenty-second and Twenty-third Election Districts, as herein created, shall be chosen from the same

OF THE CITY OF WILMINGTON.

party which at the city election held in June, 1883, shall have had the majority in the Fifteenth Election District as heretofore constituted, and the inspector and one assistant inspector in the Twenty-fourth and Twenty-fifth Election Districts, as herein created, shall be chosen from the same party which at the city election held in June, 1883, shall have had the majority in the Sixteenth Election District as heretofore constituted. The other assistant inspector for the city elections to be held in June, 1884, in each of the election districts herein created, shall be chosen by the council from the political party which shall have had the next highest number of votes at the city election in June, 1883, in the said election district for which the inspector and one assistant inspector aforesaid shall be respectively chosen. The inspector and assistant inspector so selected from either political party shall be appointed by the said council upon the nomination respectively of the members of said council who were elected as the candidates of such party or the majority of them. The inspectors and assistant inspectors so appointed as aforesaid shall have the same power and authority and be subject to the same provisions of law as are applicable to inspectors and assistant inspectors generally under the laws of this State governing city elections held in said city.

Powers of
inspectors.

Duty of levy
court in mat-
ters of ap-
pointment.

Inspector
and judge.
How
selected

SECTION 4. The Levy Court of New Castle county shall, biennially, on or before the third Monday in October preceding the general election, appoint in every election district in Wilmington hundred created by this act an inspector and two judges to conduct the election in said hundred for state, county and hundred officers under the constitution and laws of this State or of the United States, and in all cases the inspector and one judge shall be selected from the political party which polled the majority of legal votes according to the official canvass for governor or presidential electors, as the case may be, in the election district for which they may [be] appointed at the next preceding general election, and the other judge in such election district shall in all cases be selected from the political party which polled the next highest number of votes in the said election district at the said general election. The election officers so selected from either political party shall be appointed by the said levy court upon the nomination respectively of the members of said levy court who were elected as the candidates of such party or the majority of them. In case at any time there shall be no members of said levy court of the party from which any

OF THE CITY OF WILMINGTON.

inspectors and judges are to be selected as herein provided, then such inspectors and judges shall be appointed by the said levy court upon the nomination of the county executive committee for the time being of such party, provided such nomination shall be certified to the said levy court under the hand of the chairman of the said executive committee on or before the Thursday next after the second Tuesday in the month of October in which such inspectors and judges are to be appointed. The inspectors and judges for the general election in 1884 shall be appointed as provided in this section except that the inspector and one judge shall be selected in each election district from the political party which polled the majority of legal votes in the said election district at the city election in said city to be held in the month of June 1884. In all other respects the provisions of this section shall apply to the appointment of the inspectors and judges for the said general election of 1884.

Inspector's
and judge's
for general
election.
How ap-
pointed.

The inspectors and judges appointed under the provisions of this section shall have the same power and authority and be subject to the same provisions of law as applied to inspectors and judges generally under the laws of this State.

Powers.

SECTION 5. That in printing the Laws of the State of Delaware passed at the present session of the General Assembly, Sections 1 and 2 of this act shall be printed as Sections 50 and 51 of the act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed April 13, A. D. 1883.

How printed

Passed at Dover, April 19, 1883.

OF THE CITY OF WILMINGTON.

CHAPTER 209.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to Revise and Consolidate the Statutes relating to Wilmington," passed at Dover, April 13th, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Section 47 of
Chapter 207,
current vol.
amended.

SECTION 1. That Section 47 of an act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13, 1883, be and the same is hereby amended as follows: 1. By inserting, after the words "President of Council—Two hundred dollars," the words "Clerk of City Council—Fifteen hundred dollars." 2. By striking out of said section in line 8 the words "One thousand," and inserting in lieu thereof the words "Twelve hundred." 3. By striking out of the said section in line 11 the words "Eighteen hundred," and inserting in lieu thereof the words "Two thousand." 4. By striking out of said section the word "Three," in the 14th line thereof, and inserting in lieu thereof the word "Five." 5. By striking out of said section in line 10 the words "One thousand," and inserting in lieu thereof the words "Twelve hundred."

Printing the
laws.

SECTION 2. That in printing the volume of Delaware Laws passed at the present (1883) session of the General Assembly the said "An act to revise and consolidate the statutes relating to the City of Wilmington" be printed as amended by this act.

SECTION 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 20, 1873.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 210.

OF JUVENILE DELINQUENTS.

AN ACT to provide for the Education and Training of Juvenile Delinquents.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall be lawful for the Court of General Sessions of the Peace and Jail Delivery, of any county in this State, to commit to the care, custody and guardianship of the House of Refuge in the City of Philadelphia and State of Pennsylvania, any child or children, under the age of sixteen years, who may be convicted in any of the said courts of any offense except homicide or arson, to be educated, trained and treated in the same manner as the children who have been or may be committed to the said House of Refuge from the State of Pennsylvania, and whenever in the judgment of the managers of the said House of Refuge any child who has been committed from this State shall have become sufficiently improved and reformed, the said managers shall have authority to place the said child as an apprentice, to learn some useful trade or employment, in any State in which the said managers are now or may be authorized to place the children committed to their care by the laws of the State of Pennsylvania, or to return said child to its parents or guardian.

Children under 16 years of age convicted of offenses, except homicide or arson, may be committed to House of Refuge in Philadelphia
Object—education and reformation.

When reformed, managers of the institution may apprentice the child or children to learn trade or return to parents or guardian.

SECTION 2. That it shall be lawful for the resident Associate Judge of the Superior Court in any county of this State, on complaint made by the parent or guardian of any child or children under sixteen years of age that such child

Resident associate judge of any county empowered to commit.

OF JUVENILE DELINQUENTS.

Power of
managers.

or children is or are disobedient and uncontrollable, to commit such child or children to the said House of Refuge to be educated, trained and treated, and to be indentured or discharged in the same manner as is provided in the first section of this act. The managers of the said House of Refuge shall have as full power and authority over the children committed to their care by this act as are granted to and exercised by the said managers over the children committed to the said House of Refuge by the Courts of Quarter Sessions of the State of Pennsylvania.

Governor
shall draw a
warrant on
State Treas-
urer for sup-
port of child
or children
committed.

Proviso.
Charges not
to exceed \$3
per week for
each child.

SECTION 3. That the Governor shall, once in three months, draw a warrant on the State Treasurer, payable to the order of the treasurer of the said House of Refuge, for the education, support and maintenance of any child or children who may have been committed from this State under the provisions of this act for the preceding quarter. *Provided* that the charges and costs of such education, support and maintenance shall not exceed the sum of three dollars per week for each child; and that the superintendent of the said House of Refuge shall furnish the Governor with a list of the children sent from this State remaining in the House of Refuge, together with the names of those who have been placed out and with whom, or returned to their parents or guardians.

Officers'
costs taxed
as in other
criminal
cases.

SECTION 4. That the costs and fees which may be charged by any sheriff, clerk, or other officer in the execution of this act, not already provided for by law, shall be taxed and allowed by the Court of General Sessions of the Peace, and paid in the same manner as the costs in other criminal cases.

Passed at Dover, March 9, 1883.

OF MASTERS, APPRENTICES AND SERVANTS.

CHAPTER 211.

OF MASTERS, APPRENTICES AND SERVANTS.

AN ACT in relation to the Binding of Children by Corporations of other States.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That indentures of apprenticeship which have been heretofore made, or which may hereafter be made by any corporation of any other State of this Union which shall have authority under its charter to execute said indentures with any citizen of this State, by which any minor subject to the authority of said corporation has heretofore been or shall hereafter be lawfully bound as an apprentice or servant to the said citizen, shall be as valid and effectual in all respects as a legal binding made in this State of a resident minor, and the law of this State in relation to apprentices and servants shall apply to all such cases of binding. *Pro- vided always* that the said indentures, duly verified under some public seal of the State in which they were executed, shall be recorded in the office of the recorder of deeds in and for the county wherein the master or mistress resides, those heretofore made within three months from the passage of this act, and those hereafter made within three months from their date, or they shall be void. *And provided further*, that nothing herein contained shall be taken to change or in any manner affect any covenant contained in said indentures which is not expressly prohibited by the laws of this State.

Indentures
of appren-
ticeship
made by cor-
porations of
other States.

Validity.

Proviso.

Indentures
recorded in
this State.
Where.

Passed at Dover, April 2, 1883.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 212.

OF CONVEYANCES.

AN ACT concerning Acknowledgment of Deeds, &c.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Acknowledgment,
etc., of
deeds out of
the State be-
fore notary
public.

Section 10,
Chapter 83,
Revised
Code,
amended.

SECTION 1. That any deed concerning lands, tenements, or hereditaments within this State, any other instrument of writing whatsoever, or any affidavit, or other statement requiring acknowledgment or proof, may be so acknowledged and proved out of this State before a notary public of any State or Territory or of the District of Columbia. The private examination of a married woman, party to such deed or instrument of writing, may be taken in like manner.

SECTION 2. All laws or parts of laws heretofore passed and inconsistent with this act are hereby repealed.

Passed at Dover, March 7, 1883.

OF CONVEYANCES.

CHAPTER 213.

OF CONVEYANCES.

AN ACT in relation to the Recording of Deeds and other Conveyances.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 83 of the Revised Code be and the same is hereby amended by striking out the word "sixty" after the word "within" and before the word "days" in the fourth line of Section 21 of the said chapter, and in lieu thereof insert the word "thirty."

Section 21,
Chapter 83,
Revised
Code
amended.

SECTION 2. That Chapter 520 of Volume 16, Laws of Delaware, be and the same is hereby amended as follows: Strike out the words "one year" in fifth line of Section 2 and in ninth line of Section 3 of said chapter, and in lieu thereof insert the words "three months."

Chapter 520,
Volume 16,
amended.

SECTION 3. That Chapter 520 of Volume 16, Laws of Delaware, be and the same is hereby further amended as follows: Strike out the words "the day of" in eleventh and twelfth lines of Section 1 of said chapter.

Further
amended.

SECTION 4. That any and all deeds and letters of attorney which shall have been recorded on the day of the sealing and delivery thereof shall be deemed and taken to have been properly recorded.

Recording
deeds, etc.

SECTION 5. The provisions of Sections 1 and 2 of this act shall not take effect until the first day of July, A. D. 1883. All acts and parts of acts inconsistent with this act are and the same shall be hereby repealed.

Passed at Dover, April 18, 1883.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 214.

OF THE SUPERIOR COURT.

AN ACT to amend Chapter 134 of the 16th Volume of Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 134,
Volume 16,
amended.

Providing
for addition-
al terms of
the Superior
Court.

Trials, how
conducted.

[SECTION 1.] That Chapter 134 of Volume 16 of Laws of Delaware be and the same is hereby amended by inserting after the word "Delivery," in the fifth line of Section 1, and in the tenth, fifteenth and nineteenth lines of the second section respectively, the words "and the Superior Court;" [also, by adding at the end of Section 1 of the act hereby amended, the words*] "At the September terms of the Superior Court herein provided for, no case shall be tried by a jury without consent of both parties."

Passed at Dover, April 19, 1883.

*The words between brackets appear in the bill as passed, but are omitted in the enrolled copy.

OF THE COURT OF CHANCERY.

CHAPTER 215.

OF THE COURT OF CHANCERY.

AN ACT concerning the Court of Chancery.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. All writs of subpœna upon bills or petitions filed shall, unless otherwise specially ordered, be returnable into the office of the Register in Chancery on the first Monday of next month, or of the next month but one (at the election of the complainant) occurring after twenty days from the time of the issuing thereof.

Writs of
subpœna.
When and
where re-
turnable.

SECTION 2. The appearance day of the defendant shall be the rule day to which the subpœna is made returnable, provided he has been served with the process twenty days before that day, otherwise his appearance day shall be the first Monday of the month next succeeding the rule day when the process is returnable.

Appearance.

Proviso.

SECTION 3. Upon the return of a subpœna upon bill filed, the defendant or defendants shall, unless the time be enlarged by special order, be required to answer on the first Monday of the month following the return of the subpœna.

When an-
swer to be
filed.

SECTION 4. The Chancellor shall have power and authority, at chambers, to make any and all orders which might otherwise be made in term time, except to enter final decrees.

Jurisdiction
of Chancel-
lor at cham-
bers.

Passed at Dover, April 17, 1883.

OF THE ORPHANS' COURT.

CHAPTER 216.

OF THE COURT OF CHANCERY AND ORPHANS' COURT.

AN ACT to change the time of holding the Court of Chancery.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Terms of
Chancery
and Orphans
Court.

SECTION 1. That from and after the passage of this act, in lieu of the times now fixed by law, the Court of Chancery and Orphans' Court shall commence and be held in New Castle county on the fourth Monday in March and fourth Monday in September; in Kent county on the third Monday in March and on the third Monday in September; and in Sussex county on the second Monday in March and on the first Monday in September.

SECTION 2. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 17, 1883.

CHAPTER 217.

OF THE ORPHANS' COURT.

AN ACT to authorize the Clerk of the Orphans' Court in and for Kent County to transcribe the General Index to the Records of the said Orphans' Court.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Clerk of the
Orphans'
Court of
Kent county
may make
copy of gen-
eral index,
and copy
certain doc-
uments.

SECTION 1. That the Clerk of the Orphans' Court and Register in Chancery in and for Kent county be and he is hereby authorized and directed to make, or cause to be made, a true and correct copy of the general index to the records of the said Orphans' Court, and also to record all the papers and plots relating to the business in said court and which should

OF THE ORPHANS' COURT.

have been recorded by the late incumbent, and also to make a correct record of all chancery papers and plots which should have been recorded by the late Register in Chancery.

SECTION 2. That James L. Wolcott and R. R. Kenney be and they are hereby appointed commissioners whose duty it shall be to examine such index and the records of the papers directed to be recorded, as provided in Section 1 of this act, after the Clerk of the Orphans' Court shall have completed the same, and if they approve of the correctness thereof they shall certify to the Levy Court of Kent county that the same is a true and faithful copy of said general index, and then and after such certificate the said copy shall become and be the general index to the records of said Orphans' Court.

Commissioners appointed to examine the same.

Their certificate to levy court.

SECTION 3. That the Levy Court of Kent county shall pay to the said Clerk of the Orphans' Court and Register in Chancery, and the said commissioners, a just and reasonable compensation for their services performed under this act.

Compensation.

Passed at Dover, March 20, 1883.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 218.

OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

AN ACT to amend Chapter 106 of the Revised Statutes concerning Pleading and Practice in Civil Actions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Chapter 106 of the Revised Statutes, concerning pleading and practice in civil actions, be amended by adding thereto the following two sections, to wit:

Chapter 106,
Revised
Code amended
by adding
Sections 34
and 35.

Defendant
in civil ac-
tion for re-
covery of
money, etc.,
may file dis-
claimer of
interest in
cause of
action
after decla-
ration filed
and before
plea.

When
plaintiff
may be or-
dered to in-
terplead
with third
persons.
Rules, etc.,
of court.

Judgment.

SECTION 34. The defendant in any action now pending, or which shall be brought in the Superior Court for the recovery of money, or of any goods, chattels, or the value thereof in damages, which shall have come lawfully to his hands or possession, may, at any time after the declaration filed, and before plea pleaded, by a suggestion to be filed of record, disclaim all interest in the subject matter of such action, and offer to bring the same into court, or to pay or dispose thereof as the court shall order; and if he shall also allege, under oath or affirmation, that the right thereto is claimed by or supposed to belong to some person not party to the action (naming him or them), who has sued or is expected to sue for the same, or shall show some probable matter to the court to believe that such suggestion is true, the said court may, thereupon, order the plaintiff to interplead with such third person, and make such rules and orders in the cause, and issue such process for the purpose of making such third person party to the action, and for carrying such proceeding to interplead into full and complete effect, and may render such judgment or judgments thereon as shall be agreeable to the rules and practice of the law in like cases.

OF PLEADING AND PRACTICE.

SECTION 35. If the process issued upon an order to inter-plead as aforesaid shall not be actually served, or personal notice thereof shall not be given to such third person, the said court shall have power, upon giving judgment for the plaintiff, to require him to enter into a recognizance, and if they shall think it necessary with sufficient surety, to interplead with such third person if afterwards and before the expiration of the time which would be allowed to him to prosecute his claim against the defendant such third person should appear in the said court and claim such money, or such goods or chattels, or the value thereof.

Passed at Dover, March 14, 1883.

CHAPTER 219.

OF PLEADING AND PRACTICE.

AN ACT in regard to Pleading in Civil and Criminal Cases.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That in all cases, civil and criminal, in which any or either party shall demur to any indictment, declaration, plea, replication, rejoinder, surrejoinder, or other plea of any description of the opposite party, and the said demurrer shall be overruled, the party demurring shall have the right to plead over to the facts of the case by way of traverse or otherwise without withdrawing his demurrer; and upon appeal or writ of error shall have the questions of law arising upon the demurrer decided and determined as fully to every intent as if the party demurring had not pleaded over. *Provided* that at the time of filing such demurrer the same shall be accompanied by a certificate of the counsel filing the same that the said demurrer, in his opinion, is good in law and is not filed for purposes of delay.

SECTION 2. That all laws or parts of laws inconsistent with this act be and the same are hereby repealed.

Passed at Dover, March 14, 1883.

OF JURIES.

CHAPTER 220.

OF JURIES.

AN ACT to amend Section Eleven of Chapter 109 of the Revised Statutes of the State of Delaware, entitled "Of Juries."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 11 of
Chapter 109,
Revised
Statutes,
amended.

SECTION 1. That Section Eleven of Chapter 109 of the Revised Statutes of the State of Delaware, entitled "Of Juries," be and the same hereby is amended by striking out the word "forty-eight," where it occurs in lines five and sixteen of said section, and inserting in lieu thereof the word "fifty-four."

Passed at Dover, January 25, 1883.

CHAPTER 221.

OF JURIES.

AN ACT in reference to the Competency of Jurors in Capital Cases.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Competency
of jurors in
capital cases

SECTION 1. When a juror is called in a capital case he shall be first sworn or affirmed upon the *voir dire* and then asked, under the direction of the court, if he has formed and expressed any opinion in regard to the guilt or innocence of the prisoner at the bar. If his answer be in the negative, he shall be sworn as a juror in said case, unless he has conscientious scruples against finding a verdict of guilty in a case where the punishment is death, even if the evidence should so warrant him, or unless he shall be peremptorily challenged, challenged for cause, or excused by consent of counsel on both sides. If his answer to said question be in the affirmative, he shall be disqualified to sit in said case, unless he shall say, upon his said oath or affirmation, to the satisfaction of the court, that he feels able, notwithstanding such an opinion, to render an impartial verdict upon the law and the evidence; in which event he shall be a competent juror, if not otherwise disqualified, challenged, or excused.

When dis-
qualified.
Exceptions.

Passed at Dover, January 24, 1883.

TITLE SEVENTEENTH.

Of Proceedings in Special Cases.

CHAPTER 222.

OF HABEAS CORPUS.

AN ACT to amend Section 12 of Chapter 115 of the Revised Code of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 12 of Chapter 115 of the Revised Code of the Laws of Delaware be and the same is hereby amended by adding thereto the words following, to wit :
"Where the writ of *habeas corpus* is made returnable before the Chancellor or any Judge of the Superior Court in vacation, such contempt shall be punishable by the Chancellor or such Judge by both fine and imprisonment, or either, in his discretion; and the Chancellor or such Judge shall have power, by attachment for contempt, to compel the production before him of the body of the person imprisoned or restrained of his liberty."

Section 12 of
Chapter 115
of Revised
Code
amended.

Passed at Dover, April 3, 1883.

OF FUGITIVES FROM JUSTICE.

CHAPTER 223.

OF FUGITIVES FROM JUSTICE.

AN ACT in relation to Requisitions for Fugitives from Justice.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor
may surren-
der fugitive
on demand
of another
State, or
grant appli-
cation for
requisition
on another
State or ter-
ritory.
When.

SECTION 1. The Governor, in any case authorized by the Constitution of the United States may, on demand, deliver over to the executive authority of any other State or Territory any person charged therein with treason, felony, or other crime committed therein; and he may, on application, appoint an agent to demand of the executive authority of any other State or Territory any person charged with felony who has fled from the justice of this State; but such demand or application must be accompanied by sworn evidence that the party charged is a fugitive from justice, and that the demand or application is made in good faith for the punishment of crime and not for the purpose of collecting a debt or pecuniary mulct, or of removing the alleged fugitive to a foreign jurisdiction with a view there to serve him with civil process, and also by a duly attested copy of an indictment or an information, or a duly attested copy of a complaint made before a court or magistrate authorized to take the same; such complaint to be accompanied by an affidavit or affidavits to the facts constituting the offense charged by persons having actual knowledge thereof, and such further evidence in support thereof as the Governor may require. Fugitive convicts shall also be surrendered and demanded upon the record of their conviction, or sworn evidence, duly authenticated, satisfactory to the Governor.

Governor
may require
an investiga-
tion by, and
opinion of
the Attorney
General.

SECTION 2. When such demand or application is made, the Attorney General shall, if the Governor requires it, forthwith investigate the grounds thereof and report to the Governor all the material facts which may come to his knowledge, and especially in the case of a person demanded, whether he is held in custody or is under recognizance to answer for any offense against the laws of this State, or by force of any civil process, with an opinion as to the legality and necessity of complying with the demand or application.

OF FUGITIVES FROM JUSTICE.

SECTION 3. If in case of demand for the surrender of a person charged with an offense committed in another State or Territory, the Governor decides that it is proper to comply with the demand, he shall issue a warrant to the sheriff of the county in which such person so charged may be found, commanding him forthwith to arrest and bring such person before the Chief Justice, or any Judge of the Superior Court, to be examined on the charge; and upon the return of the warrant by the sheriff with the person so charged in custody, the judge before whom the person so arrested is brought, and to whom the warrant is returned, shall proceed to hear and examine such charge, and upon proof made in such examination by him adjudged sufficient, shall commit such person to the jail of the county in which such examination is so had for a reasonable time, to be fixed by the judge in the order of commitment, and thereupon shall cause notice to be given to the executive authority making such demand, or to the duly authorized agent of such executive authority appointed to receive the fugitive, and on payment of all costs by such agent such fugitive shall be delivered to him, to be thence removed to the proper place for prosecution; and if such agent does not appear within the time so fixed and pay the costs as aforesaid, the sheriff shall discharge the person so imprisoned. Whenever the Attorney General shall have been called on in such case for any service under this act, a reasonable charge for his services may be taxed by the judge as a part of the costs to be paid as aforesaid, and in default thereof to be paid by the State Treasurer upon a draft drawn on him for the same. Bail shall be taken for the appearance of the accused by the judge before whom he is brought in pursuance of the provisions of this section, as in other cases.

Proceedings when Governor accedes to a demand for a fugitive found in this State.

Compensation of Attorney General.

Bail.

SECTION 4. When an affidavit is filed before the Chief Justice or any Judge of the Superior Court, or a justice of the peace, setting forth that a person charged with the commission of an offense against the laws of any other State or of any of the Territories of the United States, and which if the act had been committed in this State would by the laws thereof have been a crime, is, at the time of filing such affidavit, within the county where the same is filed, such judge or justice of the peace shall issue his warrant, directed to the sheriff or any constable of the county, commanding him forthwith to arrest and bring before him the person so charged.

Affidavit.

Warrant for arrest.

OF FUGITIVES FROM JUSTICE.

Duty of examining officer.

SECTION 5. When a person is arrested in pursuance of the preceding section and brought before the officer who issued the warrant, the officer shall hear and examine such charge, and, upon proof by him adjudged to be sufficient, commit such person to the jail of the county in which such examination is had.

Notice of commitment

SECTION 6. When a person is committed to jail by a judge or justice of the peace under the preceding section, such judge or justice of the peace shall forthwith give or cause to be given notice, by letter or otherwise, to the sheriff of the county in which such offense was committed, or to the person injured by such offense, or to the person upon whose affidavit the arrest was made; and no person so committed shall be detained longer in jail than is necessary to allow a reasonable time to the persons so notified, after they receive such notice, to apply for and obtain the proper requisition for the person so committed. In all cases arising under this and the two preceding sections, bail shall be taken as in other cases.

Bail.

Passed at Dover, March 9, 1883.

TITLE NINETEENTH.

Of the Fees of Public Officers.

CHAPTER 224.

OF THE CORONER OF NEW CASTLE COUNTY.

AN ACT to amend Chapter 148 of the Sixteenth Volume Delaware Laws.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Chapter 148 of Volume 16 of Laws of Delaware be amended as follows: In Section 1 of said chapter strike out the word "eight" in the third line thereof and insert in lieu thereof the word "ten;" also strike out the words "two hundred" in the fourth line of said section and insert in lieu thereof the words "two hundred and fifty." Further amend Section four of said chapter by striking out the word "two" in the fourth line thereof and insert in lieu the word "four;" and further amend said Section 4 by striking out the word "fifty" in the fifth line thereof and inserting in lieu the words "one hundred." Further amend said chapter by striking out all of Section 7 after the word "counties."

Chapter 148,
Volume 16,
amended.

SECTION 2. That the Coroner of New Castle county, and the coroner's physician, appointed under the act of which this act is amendatory, shall not receive for any service rendered by them, or either of them, as such coroner or coroner's physician, any sum or sums of money, in addition to their respective salaries, from any source whatever.

No addition-
al compen-
sation.

Passed at Dover, March 28, 1883.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 225.

OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to amend Section 2 of Chapter 127 of the Revised Statutes of the State of Delaware, entitled "Offenses against the Lives and Persons of Individuals."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 2 of
Chapter 127,
Revised
Code,
amended.

SECTION 1. That Section 2 of Chapter 127 of the Revised Statutes of the State of Delaware, as published in 1874, entitled "Offenses against the lives and persons of individuals," be and the same is hereby amended by striking out all of the said section between the word "court," in the fourth line thereof, and the word "and" in the fifth line thereof.

Passed at Dover, March 9, 1883.

CHAPTER 226.

OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to Punish the Procurement of Abortion.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Persons in
any way ad-
vertising or
soliciting the
procurement
of abortion
guilty of a
misde-
meanor.

SECTION 1. Every person who shall advertise, print, publish, distribute or circulate, or shall cause to be advertised, printed, published, distributed or circulated, any pamphlet, printed paper, book, newspaper, notice, advertisement, or reference, containing words or language giving or conveying

OFFENSES AGAINST PRIVATE PROPERTY.

any notice, hint or reference to any person, or to the real or fictitious name of any person from whom, or to any place, house, shop, or office where anything whatsoever, or any instrument or means whatsoever, or any advice, direction, information or knowledge may be obtained for the purpose of causing or procuring the miscarriage of any pregnant woman, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars and be imprisoned for a term not exceeding one year. Fine. Imprisonment.

SECTION 2. Every person who, with the intent to procure the miscarriage of any pregnant woman or women supposed by such person to be pregnant, unless the same be necessary to preserve her life, shall administer to her, advise, or prescribe for her, or cause to be taken by her any poison, drug, medicine, or other noxious thing, or shall use any instrument or other means whatsoever, or shall aid, assist, or counsel any person so intending to procure a miscarriage, whether said miscarriage be accomplished or not, shall be guilty of a felony, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars and be imprisoned for a term not exceeding five years nor less than one year. Any person practising, or attempting to practice, abortion, or assisting therein, guilty of felony. Fine. Imprisonment.

Passed at Dover, February 13, 1883.

CHAPTER 227.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT to amend the act entitled "An act Concerning Embezzlement and Defalcation by Corporate Officers and others," passed at Dover, March 28, 1879.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section one of said act be and the same is hereby amended by inserting in the third line thereof, after the word "bank," the words "or railroad company," and by striking out the word "loan" in the eighth and eleventh lines thereof. Chapter 153, Volume 16, amended.

OF OFFENSES AGAINST PRIVATE PROPERTY.

SECTION 2. That Section three of said act, be and the same is hereby amended, by striking out the word "loan" in the ninth line thereof.

Passed at Dover, April 17, 1883.

CHAPTER 228.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT for the Protection of Private Property.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful
taking of any
horse, etc.

Misde-
meanor.
Fine.

Imprison-
ment.

Who author-
ized to
arrest.

Bail.

Commit-
ment.

SECTION 1. That if any person shall unlawfully, or without having first obtained the consent of the owner or legal proprietor thereof, take possession of, use, ride or drive off, or being in the possession thereof, either lawfully or otherwise, shall mischievously abandon, turn loose or leave upon the highway any horse, gelding, mare, colt, ass, or mule, or other property that may be the subject of larceny, every such person (where the evidence is not sufficient to convict of larceny,) shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, and shall pay all costs of search, reward and prosecution, and shall be imprisoned not exceeding one year.

SECTION 2. The sheriff, any constable or other conservator of the peace, the owner or proprietor of such property, his agents or employees, or any other person or persons whom he or any of them may call to his assistance, shall have authority to arrest such offender either with or without warrant and take him before a justice of the peace or mayor of a city in the county where the offense is committed, that he may give bail with proper security for his appearance at court. If bail be not given when so required, the said justice or mayor shall, in default thereof, commit such offender to the county prison.

Passed at Dover, March 9, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 229.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend Section 16 of Chapter 133 of the Revised Statutes of the State of Delaware, entitled "General Provisions Concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 16 of Chapter 133 of the Revised Statutes of the State of Delaware, entitled "General provisions concerning crimes and punishments," be and the same hereby is amended by striking out all of said section after the word "three" in the seventeenth line thereof and inserting in lieu of the words so stricken out the words following to wit: "On the trial of any indictment in the Court of Oyer and Terminer for a crime punishable with death, the prosecuting officer may, on behalf of the State, challenge peremptorily any jurors drawn not exceeding ten, and on the trial of any other indictment in said court, the State, by its prosecuting officer, may challenge peremptorily any jurors drawn not exceeding three. The right of challenge to any juror as he is called shall be first exercised by the prisoner."

Section 16,
Chapter 133,
Revised
Code,
amended.

Challenges
by State.

Rights of
the prisoner.

Passed at Dover, January 24, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 230.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend Section 20 of Chapter 133 of the Revised Statutes, entitled "General Provisions concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 20,
Chapter 133,
amended.

Not applica-
ble to capital
cases.

SECTION 1. That Section 20 of Chapter 133 of the Revised Statutes of this State, entitled "General provisions concerning crimes and punishments," be and the same is hereby amended by adding at the end of said section the words following, to wit: "Provided that nothing in this section shall be construed so as to apply to capital cases."

Passed at Dover, April 12, 1883.

CHAPTER 231.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend Chapter 154, Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 154,
Volume 16,
amended.

Words
"artificial
butter" to
be on all
vessels con-
taining it.

SECTION 1. Amend Section one, Chapter 154, Volume 16, Laws of Delaware, as follows: Strike out all after the word "butter" in the third line and before the word "who" in the fourth line of said section, and insert the following: "made wholly or in part of any article of an artificial nature, without having conspicuously, at all times, placed upon the tub, box, table, counter, bench, or other vessel or receptacle holding the same, the words 'artificial butter,' in letters one and a half inches high by one inch in width, that the purchaser or purchasers", &c.

Passed at Dover, March 21, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 232.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT abolishing the Wearing of a Convict's Jacket as a Badge of Crime.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That that part of the punishment for certain crimes which requires the wearing of a convict's jacket as a badge of crime be and the same hereby is abolished.

Convict's jacket abolished as a badge of crime.

Passed at Dover, February 13, 1883.

CHAPTER 233.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT in relation to Corporal Punishment.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. In cases of conviction of larceny, when the prisoner is of tender years or is charged for the first time, (being shown to have before had a good character), the court may, in its discretion, omit from the sentence the infliction of lashes; and in cases where corporal punishment by whipping and the pillory, or either, is part of the sentence to be inflicted upon a convict, the court may, if it seem proper to do so, omit such corporal punishment, or either form of it, from the sentence, if the jury recommend such convict to mercy at the time of rendering their verdict.

In cases of larceny, court may omit certain punishment when prisoner is of tender years

Court may omit corporal punishment if jury recommend.

Passed at Dover, February 15, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 234.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to Prevent Injury to Burial Grounds and the Removal of Bodies therefrom.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Any person who shall willfully injure or remove any tombstone, etc., guilty of misdemeanor.

Fine.
Imprisonment.

SECTION I. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, grave stone, monument or other structure placed in any cemetery or grave yard appropriated to and used for the interment of human beings within this State, or shall willfully injure, destroy, or remove any fence, railing or other work for the protection or ornament of such place of interment, or shall willfully destroy, cut, break or remove any tree, shrub or plant within the limits of said places of interment, or shall open any tomb, vault or grave within the same and clandestinely remove, or attempt to remove, any body or remains therefrom, shall be guilty of a misdemeanor, and shall, upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery in and for the county where the said offense is committed, be punished by a fine of not more than two hundred dollars and imprisoned for a term not exceeding two years, either or both, at the discretion of the court, according to the aggravation of the offense.

Passed at Dover, February 27, 1883.

CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 235.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT for the Protection of the Community against Professional Thieves, Burglars and Pickpockets.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that

SECTION 1. It shall be the duty of all police officers in the City of Wilmington to arrest and take before the City Judge, provided for in the amended city charter of said city, all persons whom they shall find in any passenger railway car, or in or about any railway depot, steamboat landing, church, banking institution, broker's office, auction room, store, crowded thoroughfare, place of public amusement, or in any street of said city, whom they shall know or have good reason to believe are common thieves, burglars, or pickpockets; and said City Judge shall commit or bail such persons for trial before the Court of General Sessions of the Peace and Jail Delivery in and for the County of New Castle. And if any person in the City of Wilmington shall be charged, on oath, before the said City Judge for the city, or before the Associate Judge of the Court of General Sessions of the Peace and Jail Delivery resident in the County of New Castle, with being a common thief, burglar, or pickpocket, such City Judge, or Associate Judge of the said Court of General Sessions, shall issue a warrant for the arrest of such person and him commit or bail for trial; and any person convicted in the said Court of General Sessions of the Peace and Jail Delivery of being a common or professional thief, common or professional burglar, or common or professional pickpocket, shall be imprisoned in jail not more than two years nor less than six months, and be fined not more than one hundred dollars; but if any person be arrested or indicted a second time, or more, for such offense, he shall be convicted only on proof that he has continued to be a common thief, burglar, or pickpocket for at least one month since his last conviction or acquittal; and it shall be necessary to charge in the indictment only that the person is a common thief, or common burglar, or common pickpocket; and any evidence, either of facts or reputation, proving that such person is habitually and by practice a thief, burglar, or pickpocket, shall be sufficient for his conviction, if satisfactorily estab-

Police of
Wilmington
may arrest
certain per-
sons.

Duty of City
Judge.

Warrant for
arrest.
Party con-
victed.

Imprison-
ment.
Fine.

Second ar-
rest or in-
dictment.

Proof neces-
sary to con-
vict.

CONCERNING CRIMES AND PUNISHMENTS.

No discre-
tion in police
officers or
magistrate
to release.

Bail.

lishing the fact to the court or jury by whom he is tried. And there shall be no discretion in any police officer or magistrate to discharge or release any person who is, by such proof before them, or knowledge on their part, shown to be a thief, burglar, or pickpocket as aforesaid, but such person shall be bailed or committed for trial; and no conviction, or charge of or for being a common thief, burglar, or pickpocket, shall prevent any such person from being tried and convicted for any particular act of larceny or burglary he may have committed.

When per-
son arrested
may be
taken before
justice of
the peace or
city judge.

When arrest
made out-
side of Wil-
mington, be-
fore whom
taken.

Magistrate
may hold for
trial.
What offi-
cers may
arrest.

Power of
magistrate.

Punishment
of convict.

SECTION 2. If any person shall be arrested at any place within the limits of this State on the line of any railroad or in any of the cars or depots, or at any of the stations on said roads, or on any steamboat employed in carrying passengers over or upon the navigable waters of this State, charged with being a common thief, burglar or pickpocket, such person may be taken before any justice of the peace of the county in which said place of arrest, depot or station may be situated, unless within the City of Wilmington, and if within the said city, then before the City Judge for said city. If the arrest be made upon the cars or on any steamboat *en route* and outside of the City of Wilmington, such person may be taken before any justice of the peace of the nearest convenient county, or the City Judge for the City of Wilmington, who shall, on proof as provided in the preceeding section, commit or bail such person for trial before the Court of General Sessions of the Peace and Jail Delivery of the county. And all police officers of the City of Wilmington, special or general, all conductors of trains and police employed by any of the said railway or steamboat companies and openly distinguished as such, and all constables and bailiffs of any county town or city on the lines of any said road, shall arrest all such persons at any of the places aforesaid, on the same knowledge and proof of their being common thieves, burglars or pickpockets as provided in the preceding section, and the magistrate shall commit or bail such person on the same knowledge or proof, and any person convicted in any county on the line of said road with being a common thief, burglar or pickpocket, shall be punished by a fine and imprisonment in the jail of the county for the same time and in the same amount as provided in the preceding section, and all the provisions of the preceding section shall apply to all cases under this section except so far as modified hereby.

CONCERNING CRIMES AND PUNISHMENTS.

SECTION 3. In any prosecution or suit against any person for any complaint, arrest, prosecution or proceeding under this act, that the proceeding complained of was under it, and in good faith, may be given in evidence under the plea of "not guilty" and the burden of proof of malicious motive or want of probable cause shall rest upon the plaintiff in said prosecution or suit.

Prosecution
for arrest
What may
be given in
evidence un-
der plea of
not guilty.
Burden of
proof on
plaintiff.

SECTION 4. No person upon whose complaint a search warrant for stolen goods shall be regularly issued, or participating in aid of the officer executing the same by his authority, shall be answerable therefor in damages, if for such proceeding there be probable cause, supported by oath or affirmation, and there was no more detriment done to the party aggrieved in the service of such process than naturally and unavoidably arose out of the nature of the case; and the fact that in the execution of such search the goods described therein and alleged to have been stolen be not found upon the premises shall not of itself be deemed to raise a presumption of want of probable cause or of malicious motive.

When com-
plainant not
liable in
damages.

Passed at Dover, April 17, 1883.

MISCELLANEOUS.

CHAPTER 236.

OF REVENUE.

AN ACT to alter and amend the act entitled "An act to Raise Revenue for State and County Purposes," passed at Dover, March 30th, 1871.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1,
Chapter 22,
Volume 14,
amended.
Certain in-
vestments
not liable to
taxation.

SECTION 1. That from and after the passage of this act it shall not be lawful for any assessor in this State to assess, and no tax shall be levied and collected on any investments in securities or stocks of other States, or of companies incorporated by other States or by the United States, made or held by residents, firms, companies, associations of persons or corporations of this State.

Passed at Dover, March 13, 1883.

CHAPTER 237.

OF CLAIMS AGAINST THE STATE.

AN ACT for the Payment of Claims against the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the State Treasurer be and he is hereby authorized to pay the following claims :

To Delawarean, printing for 1881, 1882 and 1883, in full, \$877.95; C. P. Johnson, printing in full, \$218.13; Every Evening Pub. Co., 1881-1882, \$210.09; John R. McFee,

OF CLAIMS AGAINST THE STATE.

postage, &c., \$164.55; Jas. L. Hawkins, requisition, \$125.00; W. Scott Way, printing, 1881-1882, \$400.00; William J. Maxwell, requisition, \$150.00; J. B. Bell, advertising reg. reports, \$254.40; Clarke & McDaniel, stationery, \$246.33; James Frasher, Bailiff Court of Errors and Appeals, \$36.00; James Frasher, cleaning and preparation for inaug., \$16.00; Bell & Taylor, printing, in full, \$162.99; W. H. Purnell, State Board of Education, \$85.65; J. F. Staats, reports and incidentals, \$198.47; R. J. Reynolds, stationery and expenses in selling R. R. stock and redeeming State bonds, \$139.65; George P. Jarrell, lamp for Governor's office, \$10.00; Beniah Watson, drawing bill, \$10.00; William P. Godwin, window shades for House, \$5.79; Jos. Burchenal, Clerk of Court of Errors and Appeals, \$24.00; Corsa & Townsend, printing 1881-1882, \$32.00; John S. Herrington, Court of Appeals, \$9.00; Jas. H. Groves, \$350.00; Robert D. Hoffercker, \$347.00; James S. Godwin, \$1.50; Stevenson & Slaughter, \$758.13; Andrew Smithers, stamps for use of Library, \$11.00; Wm. P. Godwin, \$99.31; J. B. Sharp, \$2.00; W. D. Walls, plumbing bill, \$188.67; R. R. Kenney, \$69.58; Samuel H. Black, requisition, \$60.00; The Delaware Democrat Publishing Co., \$114.12; R. T. Hart, surviving partner of Pride & Hart (J. L. Thompson, adm'r), \$123.24; Sussex Journal, in full to date, \$218.82; Charles W. Smith, requisition, \$30.00; James & Webb Printing Co., \$78.00; Dover Gas Light Co., \$332.51; The State Sentinel, \$21.60; Horstmann Bros. & Co., flag, \$18.00; T. K. Jones & Bro., \$7.70; William E. Smith, chairs, \$21.00; James Cowgill & Son, \$53.67; The Seaford Enterprise, \$1.00; Martha Hunter, washing, \$20.00; J. G. Lewis, ice, \$55.50; I. H. D. Knowles, printing in full, \$50.00; State Capital Band, \$45.00; Geo. W. Vernon, printing in full, \$36.76; James W. Wise, Court of Appeals, 1881, 1882, 1883, \$36.00; Thos. T. Lacey, \$18.00; E. G. Handy, printing, \$16.75; T. Cox, repairs, \$7.20; W. Tucker, Mess. Court of Errors and Appeals, \$12.00; Marion G. Hawkins, \$6.00; C. F. Thomas & Co., stationery, \$146.40; Wilmington Freie Press, printing, \$183.68; J. D. Deane, furnishing papers to Assembly, \$185.84; Peninsular News and Advertiser, \$35.00; Wm. Hunter, extra allowance, \$25.00; James L. Wolcott, for making list of Gov. appointments, \$75.00; James Kirk & Sons, in full, \$1,022.35; William P. Jones, purchasing agent to procure stationery for this session of the Legislature, the sum of \$75.00.

Passed at Dover, April 20, 1883.

RESOLUTIONS.

CHAPTER 238.

Joint Resolution appointing a Joint Committee to inform the Governor of the Organization of the two Houses of the General Assembly.

Resolved, That a joint committee be appointed, consisting of two on the part of the Senate and three on part of the House, to wait upon his Excellency, the Governor, and inform him that the two Houses of the General Assembly are organized and ready to receive any communication that he may see proper to make.

Adopted at Dover, January 2, 1883.

CHAPTER 239.

Joint Resolution appointing a Joint Committee to draft Rules for the Government of Intercourse between the two Houses.

Resolved by the Senate and House of Representatives in General Assembly met, That there be a joint committee of five, two on the part of the Senate and three on the part of the House, to report rules governing the intercourse between the two Houses.

Adopted at Dover, January 2, 1883.

RESOLUTIONS.

CHAPTER 240.

Joint Resolution adjourning both Houses from this day until Monday next at three and a-half o'clock, P. M.

Resolved by the Senate and House of Representatives, That when the two Houses adjourn, they adjourn until Monday next at three and a-half o'clock, P. M.

Adopted at Dover, January 3, 1883.

CHAPTER 241.

Joint Resolution authorizing the State Librarian to have the State House supplied with Water from the Dover Water Works.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Librarian be, and he is hereby authorized and empowered to have introduced into the capitol building water from the Dover Water Works, subject to the supervision and direction of the Speakers of the two Houses.

Adopted at Dover, January 3, 1883.

CHAPTER 242.

Joint Resolution relating to the Printing of certain Reports and Documents.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of five be appointed, three on the part of the House and two on the part of the Senate, to examine the reports and sundry documents accompanying the message of the Governor, and report to the respective houses such reports and documents as shall be printed for public information.

Adopted at Dover, January 3, 1883.

RESOLUTIONS.

CHAPTER 243.

Joint Resolution appointing a Joint Committee to Examine the State Treasurer's Account.

Resolved, That there be a joint committee of five appointed, two by the Senate and three by the House, to examine the State Treasurer's account.

Adopted at Dover January 3, 1883.

CHAPTER 244.

Joint Resolution convening the two Houses to open and publish the Returns of the Vote for Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the members of the Senate and members of the House of Representatives assemble in the hall of the House of Representatives at 11 o'clock, A. M., on Tuesday next, the 9th instant, to be present at the opening and publishing, according to the Constitution of this State, of the returns of the election held in the several counties of the State on the Tuesday next after the first Monday in November last for Governor, and that two tellers be appointed, to wit: one on the part of the Senate and one on the part of the House of Representatives, to make a list of the votes as the same shall be published from said returns.

Adopted at Dover, January 8, 1883.

RESOLUTIONS.

CHAPTER 245.

Joint Resolution appointing a Joint Committee to make suitable arrangements for the Inauguration of the Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee, to be composed of three members of the Senate and five of the House of Representatives, be appointed to make suitable arrangements for the inauguration on Tuesday, the 16th instant, of the Governor-elect.

Adopted at Dover, January 9, 1883.

CHAPTER 246.

Joint Resolution appointing a Joint Committee to purchase a new Flag for the State House.

Be it resolved by the House of Representatives, (with the concurrence of the Senate), That a joint committee of three on the part of the House and two on the part of the Senate, be and are hereby appointed to purchase a U. S. flag for the State House.

Adopted at Dover, January 10, 1883.

CHAPTER 247.

Joint Resolution of Adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two Houses adjourn to-morrow morning, they adjourn to meet on Monday next at 4 P. M.

Adopted at Dover, January 10, 1883.

RESOLUTIONS.

CHAPTER 248.

Joint Resolution appointing a Committee to settle with C. S. Pennewill.

Resolved by the Senate and House of Representatives in General Assembly met, That a joint committee, consisting of two on the part of the Senate and three on the part of the House, be appointed to make settlement with Mr. C. S. Pennewill for improvements on the capitol building.

Adopted at Dover, January 11, 1883.

CHAPTER 249.

Joint Resolution appointing State Treasurer.

Resolved by the House of Representatives of the State of Delaware (by and with the concurrence of the Senate), That John M. Houston be and he is hereby appointed State Treasurer.

Adopted at Dover, January 16, 1883.

CHAPTER 250.

Joint Resolution appointing Auditor of Accounts.

Resolved by the House of Representatives (with the concurrence of the Senate), That Jesse L. Long be and he is hereby appointed Auditor of Accounts.

Adopted at Dover, January 16, 1883.

RESOLUTIONS.

CHAPTER 251.

Joint Resolution convening the two Houses in Joint Session for the purpose of attending the Governor elect while the Oaths of Office are Administered to him.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the two houses shall convene in joint session at the hour of eleven o'clock, A. M., this 16th day of January, A. D. 1883, for the purpose of attending in a body His Excellency, the Governor-elect, while the oaths of office are administered to him at the Court House of the County of Kent.

Adopted at Dover, January 16, 1883.

CHAPTER 252.

Joint Resolution appointing a Joint Committee to inquire into the Expediency of Constructing Private Accommodations for the use of the Members and Officers on the two Main Floors of this Building.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That there be a joint committee of three on the part of the House and two on the part of the Senate, to inquire into the expediency of providing suitable private accommodations on the two main floors of the State Capitol building.

Adopted at Dover, January 17, 1883.

RESOLUTIONS.

CHAPTER 253.

Joint Resolutions requesting the Opinions of the Chancellor and Judges on certain questions.

Be it resolved by the Senate and House of Representatives in General Assembly met, That the Chancellor and Judges be and they are hereby requested to communicate to the General Assembly their opinions, in writing, upon the following questions, that is to say :

Opinions of Chancellor and Judges requested on the question of increased representation.

1. Is it within the constitutional power of the General Assembly, by a concurrent vote of two-thirds of the members of each branch thereof, to provide for the increase of the members of the Senate and House of Representatives in the General Assembly and to apportion the members thereof unequally among the several counties of the State?

2. Is it competent for the General Assembly to provide by law for the election of members of either branch, or both branches of the General Assembly, from any or every county, from districts created by law within such county, in lieu of the election thereof upon general ticket throughout the county?

Copy of resolutions to be furnished by Secretary of State.

And be it further resolved as aforesaid, That a duly authenticated copy of these resolutions shall be forthwith transmitted to the Chancellor, the Chief Justice, and each of the Associate Judges, by the Secretary of State.

Adopted at Dover, January 21, 1883.

RESOLUTIONS.

CHAPTER 254.

Joint Resolution appropriating Eight Hundred Dollars to the Contingent Expenses of the Office of the Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sum of eight hundred dollars be and the same is hereby appropriated and made payable to William F. Causey, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he is required to present his accounts and vouchers to the General Assembly of this State, at its next session, for settlement.

Adopted at Dover, January 26, 1883.

CHAPTER 255.

Joint Resolution appointing Janitor.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That William Hunter be and he is hereby appointed janitor of the State House for the term of two years, beginning on the 9th day of April next, A. D. 1883; the said janitor to do all the work in and around the State House that may be necessary in order to keep the same in a proper condition and to manage the fires necessary to heat the Library, Secretary's Office and Governor's Room, except during the session of the Legislature. He shall receive as compensation for his services as janitor the sum of two hundred dollars per annum, for which he is hereby authorized to draw upon the State Treasurer at the end of each quarter.

Wm. Hunter
appointed
janitor of
State House.

Duties.

Compensation.

Adopted at Dover, January 26, 1883.

RESOLUTIONS.

CHAPTER 256.

Joint Resolution in relation to Increased Representation.

Be it resolved by the Senate and House of Representatives in General Assembly met, That the committees of both Houses on the subject of increased representation have leave to sit and act as a joint committee.

Adopted at Dover, January 29, 1883.

CHAPTER 257.

Joint Resolution referring the Opinions of the Chancellor and Chief Justice to Committee on Increased Representation.

Resolved, That the opinions of the Chancellor and Chief Justice be referred to the special committee of the two Houses acting as a joint committee on increased representation.

Adopted at Dover, January 30, 1883.

CHAPTER 258.

Joint Resolution concerning Stationery for use of Legislature.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That William Cooch be and is hereby authorized and empowered to purchase the necessary fuel and stationery for the use of the next session of the Legislature and that he is hereby directed to present his accounts and vouchers to the next Legislature at its session for allowance.

Adopted at Dover, January 30, 1883.

RESOLUTIONS.

CHAPTER 259.

Joint Resolution for Printing the Opinions of the Chancellor and Chief Justice.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That 500 copies of the opinions of the Hons. the Chancellor and Chief Justice be printed for use of the members of both houses.

Adopted at Dover, January 30, 1883.

CHAPTER 260.

Joint Resolution in relation to Printing Opinions of Associate Judges.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the opinion of Judge Wootten upon the question of increased representation, and the opinions of Judges Houston and Wales, when they shall have been received, be printed with the opinions of the Chancellor and Chief Justice, already ordered to be printed, so that all the said opinions shall be in one pamphlet.

Adopted at Dover, February 2, 1883.

RESOLUTIONS.

CHAPTER 261.

Joint Resolution granting an Audience to the Delaware State Temperance Alliance.

Resolved, That the members of the Senate and House of Representatives do hereby accept the invitation of the State Temperance Alliance to meet them and hear their representations, and do hereby fix Thursday, the eighth day of February, A. D. 1883, at eight o'clock in the evening, for the purpose, to meet in the hall of the House of Representatives.

Adopted at Dover, February 2, 1883.

CHAPTER 262.

Joint Resolutoin in relation to C. S. Pennewill.

WHEREAS it appears by a report of the joint committee appointed to settle with C. S. Pennewill that the State is indebted to Mr. Pennewill in the sum of \$39.85; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to the said C. S. Pennewill the sum above named on his draft for the same.

Adopted at Dover, February 5, 1883.

RESOLUTIONS.

CHAPTER 263.

Joint Resolution in reference to securing and preserving Temple Farm and the Moore House, at Yorktown, Virginia.

WHEREAS the Moore House, and Temple Farm upon Preamble. which it is situated, will carry with them through all time the memories of the siege and victory by which the allied armies of France and the American Colonies secured our national independence; and whereas, during the recent centennial celebration of the event by the citizens and representatives of the Republic of France and the United States of America, the hope was expressed, by the descendants of the officers of both France and America who commanded on the field in one thousand seven hundred and eighty-one, that the farm and house should be preserved and perpetuated as a memorial of the friendly alliance which then and ever since has existed between the people of the two nations, as well as in respect to the memories of those who fell in or survived the struggle that ended the protracted war and gave peace and hope to a then impoverished people; and whereas it is stated that the property can at this time be secured for a nominal sum, and that the product of the farm will probably be ample to preserve and keep the buildings in repair, and which are so located as to be well adapted for government purposes on occasion of naval inspections and reviews on York river; and whereas the sentiment expressed by representatives of the French Republic and descendants of French officers who commanded on the field at Yorktown, during their recent visit to participate in the centennial celebration, in conjunction with the descendants of the colonial officers, was that the government should take charge of and preserve and perpetuate the property, and believing this to be also the sentiment of the American people in general; and whereas the Legislature of New Jersey has recommended the purchase of said Temple Farm and Moore House by the Federal Government; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That we cordially approve the sentiments expressed by the Legislature of New Jersey respecting the purchase of the Temple Farm and Moore House, at Yorktown, Virginia, by the Government of the United States of America, and we should

RESOLUTIONS.

heartily approve the action of our Senators and Representative in Congress if they deem it proper to support a bill for that purpose.

And be it further resolved, That duly authenticated copies of these resolutions be transmitted to our Senators and Representative in Congress by the Secretary of State.

Adopted at Dover, February 7, 1883.

CHAPTER 264.

Joint Resolution to Reimburse the Adjutant General of this State.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed to pay to J. Parke Postles, Adjutant General of the State, the sum of four hundred and ten dollars and forty cents, being the amount expended by him in connection with the Centennial Celebration at Yorktown, Va., in excess of the amount appropriated therefor by the General Assembly, as per his account of expenditures set forth in his last semi-annual report; the payment having been recommended by Governor Hall in his message to the General Assembly.

State Treasurer to pay Adj. Gen. Postles certain expenses of Yorktown celebration.

Adopted at Dover, February 9, 1883.

CHAPTER 265.

Joint Resolution concerning the Robbins Hose Company.

Preamble.

WHEREAS it is represented to the General Assembly that the people of the town of Dover have, in many ways, taken steps to protect the property of the said town from loss by fire, and have, among other things, by individual contributions raised the sum of \$1,200, with which they have purchased two hose carriages and 1,000 feet of hose; and

RESOLUTIONS.

whereas it is further represented that the said people have organized a hose company; and whereas it is further represented that the said company, having now no place in which to house the said carriages and hose, and it being necessary to have a proper place in which to house the said hose and carriages; and whereas it is further represented that it will cost the said company at least \$2,700 to buy the ground and build a proper house, thus making a total cost to the said town of \$3,900; and whereas it is further represented that the State has a large and valuable property in the said town, it seems only proper and right that the State should give some aid to the object above named; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to the order of H. Reedy, Treasurer of the Robbins Hose Company, No. 1, of the town of Dover, the sum of two hundred dollars, the said sum to be used for the purpose above named.

State Treas-
urer to pay
H. Reedy
\$200.

Adopted at Dover, February 12, 1883.

CHAPTER 266.

Joint Resolution concerning Volume 16 of the Laws of Delaware.

WHEREAS the Secretary of State has closed and caused to be bound, with a general index, the Sixteenth Volume of the Laws of this State, in pursuance of Section 1, Chapter 4 of the Revised Code; therefore

Preamble.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed to pay the following charges against the State in relation to said Volume 16, viz:

State Treas-
urer to pay
charges in
relation to
Volume 16.

To James Kirk & Sons, for printing the index to Volume 16, the sum of two hundred and ninety-nine dollars, (\$299).

To James L. Wolcott, Secretary of State, for his services in preparing the index and for superintending the printing and binding of said Volume 16, the sum of three hundred dollars, (\$300).

RESOLUTIONS.

To James Kirk & Sons, for binding three hundred copies of said Volume 16, and all charges for transportation and delivery, the sum of two hundred and fifty dollars, (\$250).

And be it further resolved, That the Secretary of State shall retain in his office ten copies of said Volume 16, and deliver to the following officers in each county one copy, for the use of their respective courts, viz: To the Register of Wills, Register in Chancery, Clerk of the Orphans' Court, Prothonotary, and Clerk of the Peace; and also to deliver to the Clerks of the Senate and House one copy for each member of their respective houses in the present General Assembly, and the remainder he shall equally divide between the respective counties, placing them in the hands of the Prothonotaries, who are duly authorized to sell the same at two dollars per copy, and make return thereof as the law directs.

Adopted at Dover, February 13, 1883.

CHAPTER 267.

Joint Resolution for adjournment in commemoration of Washington's Birthday.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two houses adjourn on Wednesday afternoon, the 21st inst., it be to meet on Monday afternoon, the 26th inst., at 4 o'clock, P. M.

Adopted at Dover, February 20, 1883.

RESOLUTIONS.

CHAPTER 268.

Joint Resolution appointing a Joint Committee in relation to Malarious Poisons.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of three on the part of the House, and two on the part of the Senate, be appointed to inquire whether some efficient measures cannot be taken to prevent the autumnal generation and spread of malarious poison, and to report by bill or otherwise.

Adopted at Dover, February 21, 1883.

CHAPTER 269.

Joint Resolution appointing a Joint Committee to consider the propriety of purchasing ground adjoining the State House.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of three members on the part of the Senate and five on the part of the House be appointed to take into consideration the subject of purchasing the necessary ground adjoining the State House property and erecting thereon a building for a Library and also a residence for the Governor, and that they make report, stating their views as to the propriety of the same and the probable expense thereof, and that they accompany their report, if favorable, by a bill to carry the above object into effect.

Adopted at Dover, February 21, 1883.

RESOLUTIONS.

CHAPTER 270.

Joint Resolution in relation to Printing and Binding the Insurance Report.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,

Report of Insurance Commissioner. Three hundred copies ordered.

Annual and tabular statements of insurance companies to be added to report.

Commissioner authorized to contract for printing, etc. of report. Governor authorized to draw an order on State Treasurer for payment of the same.

Committee appointed to settle with State Treasurer and Auditor authorized to audit accounts of Commissioner.

Make allowances.

That John R. McFee, the Insurance Commissioner, be and he is hereby authorized and empowered to have printed and bound three hundred copies of his insurance report made to the present session of the General Assembly, and that he be also authorized to prepare, or cause to be prepared, copies of the annual statements of all companies doing the business of insurance in this State for the year ending December 31, 1882, and tabular statements setting forth the assets, liabilities, income, expenditures and other information showing the business condition and standing of said companies, which he may incorporate in or add to the said insurance report before printing and publishing the same.

Resolved, That the said John R. McFee be and he is hereby authorized to contract for the printing and binding of the said number of copies, and the Governor is hereby authorized, upon the certificate of the said John R. McFee, that said printing and binding is done to his acceptance, and also upon his certificate stating the price and the several items of charge, to draw an order on the State Treasurer for payment of said printing and binding according to the said contract.

Resolved, That the committee appointed, or to be appointed by this General Assembly to meet at Dover in the month of January, A. D. 1884, for the purpose of settling the account of the State Treasurer and receiving the report of the Auditor of Accounts, shall have full power and authority and they are hereby directed to audit the accounts of the said John R. McFee for preparing copies of said annual statements, and said tabular statements, for clerical services in preparing the same, and for superintending the printing of said insurance report, and shall make such allowances for said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon an order drawn in favor of the said John R. McFee by the chairman of said committee.

Adopted at Dover, February 21, 1883.

RESOLUTIONS.

CHAPTER 271.

Joint Resolution appointing Directors for the Farmers' Bank of the State of Delaware.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the following persons be and they are hereby appointed Directors of the Farmers' Bank of the State of Delaware and its branches, on the part of the State, agreeably to the act of the General Assembly in such case made and provided :

For the principal Bank at Dover—Robert Clifton, Samuel W. Hall and Edward Lord ;

For the Branch at Wilmington—John P. Doughten, William M. Kennard and Joseph L. Carpenter, Jr. ;

For the Branch at New Castle—James T. Eliason, David Boulden and Albert H. Silver ;

For the Branch at Georgetown—Hugh Martin, Ebe W. Tunnel and Charles B. Houston.

Adopted at Dover, February 21, 1883.

CHAPTER 272.

Joint Resolution in reference to Journals of the respective Houses.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerks of the respective houses be and they are hereby directed as follows, to wit:

1. To omit the Auditor's Report from their journals when they publish them.

Auditor's
Report
omitted

2. To have the journals printed in as condensed a form as practicable.

Printed in
condensed
form.

3. To have thirty copies of the journals of their respective houses suitably bound, and transmit one to each member of the General Assembly, with the name of the member neatly stamped thereon.

30 copies
bound for
members.

The expense for such binding and stamping to be paid as the bills for printing the journals respectively are paid.

Adopted at Dover, February 26, 1883.

RESOLUTIONS.

CHAPTER 273.

A Joint Resolution directing the State Treasurer to pay James Kirk & Sons the sum of \$448.90 for Stationery.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to the order of James Kirk & Sons the sum of four hundred and forty-eight dollars and ninety cents for stationery furnished the Legislature of 1883.

Adopted at Dover, February 28, 1883.

CHAPTER 274.

Joint Resolution in relation to Committees on Divorce.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the chairmen of the Committees on Divorce of the two houses are hereby authorized and empowered to administer oaths and affirmations to persons appearing before their respective committees, or before the said committees in joint meeting.

Adopted at Dover, March 1, 1883.

CHAPTER 275.

Joint Resolution appointing a Joint Committee on the Presentation of the Picture of Lord Delaware.

Preamble.

WHEREAS it appears by the annexed communication from the Honorable Chief Justice Comegys that his brother, Benjamin B. Comegys, Esq., is desirous of presenting to the General Assembly a copy of the picture of Lord Delaware, recently presented to the City of Philadelphia by his lordship's descendants; therefore

RESOLUTIONS.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a Committee appointed.
joint committee, consisting of two on the part of the Senate and three on the part of the House, be appointed to accept the said picture at such time and place and in such manner as they may deem proper, and extend to the donor, Benjamin B. Comegys, Esq., the thanks of the General Assembly for the same.

Adopted at Dover, March 6, 1883.

CHAPTER 276.

Joint Resolution concerning the Insurance of the State Property.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Librarian authorized to have certain State property insured.
the State Librarian be and he is hereby authorized and directed to have insured against fire, in suitable companies, for three years, the sum of fifteen thousand dollars on the Capitol building, the sum of two thousand dollars on the furniture therein, and the sum of twenty-five thousand dollars upon the contents of the State Library, and he is hereby authorized to draw upon the State Treasurer for the amount of premiums that will be required for such insurance, for the said three years. *Provided* that the said premiums shall not exceed the sum of three hundred dollars. Authorized to draw on State Treasurer for premiums.

And be it further resolved, That the Librarian for the time being be and he is hereby authorized and directed to continue the said insurance, in like manner, from year to year, until otherwise directed by the General Assembly.

Adopted at Dover, March 6, 1883.

RESOLUTIONS.

CHAPTER 277.

Joint Resolution relative to the Collection of State Taxes from the Farmers' Bank.

State Treasurer to suspend collection of taxes from Farmers' Bank pending certain litigation.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed not to collect from the Farmers' Bank, or any of its branches, any State taxes during the continuance of the litigation now pending in the United States Court for the District of Delaware relative to the right of this State to collect from the National Banks in this State any tax or taxes which may have been assessed against them under any laws of this State, or after it shall have been decided that the National Banks of this State are not liable for any taxes which may be assessed against them under any law in this State, in case the determination of such litigation shall be adverse to this State.

Adopted at Dover, March 9, 1883.

CHAPTER 278.

Joint Resolution in relation to Juvenile Delinquents.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Managers of the House of Refuge in the City of Philadelphia be and they are hereby requested to admit into their institution such persons, under the age of sixteen years, as may be sent to them under and by virtue of an act entitled "An act to provide for the Education and Training of Juvenile Delinquents," passed at Dover, March 9th, 1883.

Adopted at Dover, March 13, 1883.

RESOLUTIONS.

CHAPTER 279.

Joint Resolution in relation to New Business.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That no more new business will be received by either House after March the 23d, inst.

Adopted at Dover, March 13, 1883.

CHAPTER 280.

Joint Resolution in relation to the Presentation of the Picture of Lord Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

1st. That the thanks of the General Assembly are due and hereby tendered to Benjamin B. Comegys, Esq., of the City of Philadelphia, for his handsome and valuable gift of the picture of Lord Delaware, recently presented by his brother, the Honorable Chief Justice Comegys.

Thanks to Benjamin B. Comegys, Esq., for portrait of Lord Delaware.

2d. That the Sergeants-at-Arms be directed to hang the said picture in the Governor's room in the Capitol building in such a manner as the Governor may desire.

To be hung in Governor's room.

3d. That the Committees on Printing be directed to have published in pamphlet form 500 copies of all the proceedings of the General Assembly, or any committee appointed for the purpose, in relation to the presentation and acceptance of said picture.

Presentation proceedings.

4th. That the Clerks of the two houses be directed to transmit to said Benjamin B. Comegys, Esq., a duly certified copy of these resolutions.

Duty of clerks.

Adopted at Dover, March 14, 1883.

RESOLUTIONS.

CHAPTER 281.

Joint Resolution compensating Edward Ridgely for his services as
Chancellor ad litem.

Preamble. WHEREAS the General Assembly of this State, on the twenty-sixth day of March, A. D. 1875, adopted a joint resolution appropriating five hundred dollars out of any money in the treasury as compensation to William S. McCaulley for his services as Chancellor *ad litem* in the case of Benjamin Burton vs. George W. Willen, and directing the State Treasurer to pay to the said William S. McCaulley the said sum of five hundred dollars when and as soon as he shall have rendered his decision in said case, and not before; and whereas the said William S. McCaulley died without ever having rendered a decision in said case; and whereas, after the death of the said William S. McCaulley, John W. Hall, Esq., then Governor of this State, did appoint and commission Edward Ridgely as Chancellor *ad litem* in the said case of Benjamin Burton vs. George W. Willen; and whereas the said case was heard by and argued before the said Edward Ridgely, who rendered his final decision in said case at the March term, A. D. 1882, of the Court of Chancery of the State of Delaware in and for Sussex county; now therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed to pay to Edward Ridgely, out of any moneys in the treasury not otherwise appropriated, the sum of four hundred and fifty dollars, as compensation to him for his services as Chancellor *ad litem* in the said case of Benjamin Burton vs. George W. Willen.

State Treas-
urer to pay
Edward
Ridgely, Esq
\$450 for ser-
vices as
Chancellor
ad litem.

Adopted at Dover, March 21, 1883.

RESOLUTIONS.

CHAPTER 282.

Joint Resolution in relation to Printing.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all public officials authorizing any printing done at the expense of the State shall endorse all bills for the same as correct before the same shall be allowed.

Adopted at Dover, March 23, 1883.

CHAPTER 283.

Joint Resolution for the benefit of the Breakwater and Frankford Railroad Company.

WHEREAS there are arrears of interest accrued prior to January 1st, 1882, on the mortgage made by the Breakwater and Frankford Railroad Company in favor of the State, amounting to the sum of \$38,886.66; and whereas the earning of the said company are not now sufficient to pay any part of said arrears; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the payment of the said arrears of interest shall not be demanded or enforced by the State until such time as the net earnings of the said company shall be equivalent to six per centum on its capital stock. Provided, that nothing herein contained shall be held or construed to affect the priority of lien of said mortgage as well with respect to the said accrued interest as to the principal sum secured thereby and the interest hereafter to accrue. And provided also that if at any time proceedings shall be taken on behalf of the State for the foreclosure of the said mortgage for or on account of any default in the payment of the principal debt secured thereby or of interest hereafter to accrue thereon, and the mortgage property shall be sold under and in pursuance of such proceedings, then and in such case the stay herein-

Preamble.

Payment of
arrears of
interest.
When de-
manded.State lien
not affected.Further
Proviso.Foreclosure
proceedings.

RESOLUTIONS.

before granted shall cease and become of no effect and the said accrued interest shall become due and payable out of the proceeds of such sale as a part of the debt and interest secured by said mortgage.

Adopted at Dover, March 23, 1883.

CHAPTER 284.

Joint Resolution to pay to Hon. John W. Houston Five Hundred Dollars remaining due to him for one hundred copies of the First Volume of Delaware Reports of Criminal Cases delivered to the State on the publication of the same, pursuant to the Statute in such case made and provided.

Preamble.

WHEREAS Hon. John W. Houston delivered to the State, by depositing in the State Library at Dover, pursuant to the statute in such case made and provided on the publication thereof, one hundred bound copies of his first volume of Delaware Reports in Criminal cases, in the month of September, in the year of our Lord one thousand eight hundred and eighty, and on the ninth day of that month received the written order of the Governor on the State Treasurer for the sum of five hundred dollars in full payment for the same, and which was afterwards duly paid to him; and whereas by the mutual mistake of both of the parties to the transaction, and their overlooking the provisions of "An act to amend Chapter 27 of the Revised Statutes of this State," passed at Dover, February 5, 1877, which provided that the same should be paid for by the State at the price of ten dollars per copy or volume, the sum then paid by the State, and so received by him for them, was but half of the price which the law had thus placed upon them, and was but half of the amount that he was legally entitled to receive therefor; therefore,

Governor
authorized
to draw war-
rant to order
of Hon. John
W. Houston
for \$500.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That in addition to the said sum of five hundred dollars so paid to the said Hon. John W. Houston for the said one hundred copies of his first volume of Delaware Reports of Criminal Cases on the said ninth day of September in the year of our

RESOLUTIONS.

Lord one thousand eight hundred and eighty, the Governor of the State is hereby authorized and directed to draw an order on the State Treasurer in his favor for the sum of five hundred dollars in full payment and satisfaction therefor.

Adopted at Dover, March 23, 1883.

CHAPTER 285.

Joint Resolution authorizing the Purchase of the "Jump" Property.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Governor be and he is hereby authorized and empowered to purchase the real estate south and east of the Capitol building known as the "Jump" property, said property being bounded by the Capitol building and the Jones' Neck road on the north, by a lane on the east, by the "Nicholson" property on the south, and by the said "Nicholson" property and Dover green on the West, provided that said purchase can be effected for the sum of eight thousand dollars, in addition to a two years lease of said premises, except the stables and buildings hereafter referred to, without payment of rent or interest but subject to such taxes and insurance premiums as accrue. If said property should be so purchased, the Governor is hereby authorized to draw his warrant on the State Treasurer for the amount of said purchase and the cost of conveyancing.

Governor authorized to purchase Jump property.

Purchase money \$8000

Reservation

Governor to draw warrant.

Be it further resolved, that in case said purchase should be so made, the Governor is hereby requested to employ a competent person to remove at once the stable and outbuildings east of and near to the library building, so as to lessen the fire risk thereof, and he may draw upon the State Treasurer for the expenses thereby incurred.

Governor to cause removal of certain buildings.

Adopted at Dover, March 29, 1883.

RESOLUTIONS.

CHAPTER 286.

Joint Resolution directing the State Treasurer to pay certain moneys to Charles B. Lore to meet the expenses of certain trials in the United States District Court.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer is hereby directed to pay to the order of Hon. Charles B. Lore a sum not exceeding thirteen hundred dollars, the same to be applied to the payment of the witness fees and costs for the defense of the election officers of the State of Delaware indicted (in the United States Court for the District of Delaware) tried, and not convicted for alleged violations of the Revised Statutes of the United States in their official capacity at the general election in November A. D. 1880, and the said Charles B. Lore shall furnish to the said State Treasurer the receipt of each recipient of any part of said fund, together with a certified abstract of the said witness fees and costs, under the seal of the Clerk of the District Court aforesaid. *Provided,* that no person summoned by the United States and the defense and paid by the United States, shall be again paid for the time for which the United States shall have so paid him.

Appropriation of \$1,300

Proviso.

Adopted at Dover, March 30, 1883.

CHAPTER 287.

Joint Resolution in regard to the Death of the Chaplain of the House.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That out of respect to the memory of the Rev. Cyrus Huntington, both Houses of the General Assembly will meet in the hall of the House of Representatives at one o'clock, P. M., this day, to attend, in a body, the funeral of the Rev. Cyrus Huntington, late Chaplain of the House, to take place at the burial ground of the Presbyterian Church, in the town of Dover.

Resolutions of respect to the memory of late Rev. Cyrus Huntington.

Adopted at Dover, April 18, 1883.

RESOLUTIONS.

CHAPTER 288.

Joint Resolution in relation to Adjournment.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That both Houses of the Legislature adjourn on Friday, the twentieth day of April, 1883, sine die.

Adopted at Dover, April 19, 1883.

CHAPTER 289.

Joint Resolution concerning the Dover Water Works.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to the order of the President of the Town Council of the Town of Dover, for the benefit of the Dover water works, annually, the sum of forty dollars, the said sum to be in lieu of all water charges.

Adopted at Dover, April 19, 1883.

CHAPTER 290.

Joint Resolution in relation to Printing of the Journals.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerks of the respective houses be and they are hereby directed to omit the reports of the Auditor, Secretary of State, State Chemist, and Delaware College, from their journals when they publish them.

Adopted at Dover, April 19, 1883.

RESOLUTIONS.

CHAPTER 291.

Joint Resolution in relation to certain Taxes.

Preamble. WHEREAS by an act of the General Assembly, passed at Dover, April 11, 1873, the State Treasurer was directed and empowered to receive from the Philadelphia, Wilmington and Baltimore Railroad Company the sum of twenty-seven thousand dollars annually in lieu of all taxes against said company, under the act of April 8th, 1869, by equal quarterly installments; therefore

Duty of
State Treas-
urer relative
to certain
railroad
taxes.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized, required and directed to investigate and ascertain whether any railroad corporation or canal company has omitted the payment of any taxes, under the act last aforesaid, on capital stock and net earnings, and if so, to require statements of said taxes for said capital stock or net earnings so as aforesaid omitted to be paid to be made by all such companies forthwith, according to the requirements of the said act, covering the whole period of such arrearages.

State Treas-
urer author-
ized to ac-
cept certain
sums in full
payment of
taxes in
arrear.

Resolved further, That when any such company shall pay for each and every year of such arrearage a sum of money which shall bear the same proportion to the said sum of twenty-seven thousand dollars that that proportion of the actual cash value of the capital stock and net earnings of the said company which is subject to tax under the act last aforesaid shall bear to that proportion of the actual cash value of the capital stock and net earnings (subject to tax under the act last aforesaid) of the Philadelphia, Wilmington and Baltimore Railroad Company for the same period, the said State Treasurer is hereby authorized, directed and empowered to accept and receive such sum in full payment of all such taxes so in arrear.

State Treas-
urer author-
ized to ac-
cept commu-
tation of
taxes.

Resolved further, That when any such company shall have fully complied with and conformed to the requirements of the preceding resolve, the State Treasurer shall thereafter accept and receive from each of the said companies, by equal quarterly payments in each year, commutation of the taxes under the act of April 8th, 1869, on the basis hereinbefore stipulated. *Provided* that nothing herein contained shall

Proviso.

RESOLUTIONS.

be so construed as to repeal, modify, or in any way affect the provisions of the act aforesaid, except only to authorize commutation of the taxes imposed by the said act until the General Assembly shall direct otherwise.

Adopted at Dover, April 19, 1883.

CHAPTER 292.

Joint Resolution in relation to the sale of the copies of the Code as amended and published in 1874.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Prothonotaries of the respective counties of this State, and their successors in office, be and they are hereby authorized and directed to sell the copies of the Code of this State, as amended and published in 1874, and now remaining unsold, at one dollar per copy.

Adopted at Dover, April 19, 1883.

CHAPTER 293.

Joint Resolution returning thanks to the several Railroad Companies.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the thanks of the General Assembly are hereby tendered to the several railroad companies for the courtesy of passes to the members over their respective roads during the session.

Passed at Dover, April 20, 1883.

RESOLUTIONS.

CHAPTER 294.

Joint Resolution appointing a Joint Committee of two on the part of the Senate and three on the part of the House to settle with the State Treasurer, Auditor of Accounts, Secretary of State, and Clerks of the Senate and House of Representatives.

Joint committee to settle with certain officers.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of five be appointed on the part of the General Assembly, to consist of the following two members of the Senate, viz: Wilson T. Cavender and Swithin Chandler; and the following three members of the House of Representatives, viz: Ezekiel C. Frazer, Henry M. Barlow, George W. Risler; whose duty it shall be to meet at Dover on the third Tuesday of January, 1884, for the purpose of settling the account of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Statements to be made and published.

Resolved, That it shall be the duty of said committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under their hands, or the hands of a majority of them, to be published in two (2) newspapers printed in the State for the space of one month from the time of effecting the same.

Power to audit accounts of clerks and Secretary of State.

Resolved, That said committee shall have full power and authority to audit the account of the Clerk of the Senate, and of the Clerk of the House of Representatives, for superintending the printing of the journals of the houses of the Legislature during the present session, and for making indexes thereto. Also the account of the Secretary of State for superintending the printing of the acts of the present session and for indexing the same, and make such allowance for the said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the chairman of the said committee in favor of said Clerks and said Secretary of State respectively.

Make allowances.

Compensation of committee.

Resolved, That the said committee shall receive the same compensation as is by law allowed to the members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the chairman of the said committee, out of any money in the hands of the said State Treasurer not other-

RESOLUTIONS.

wise appropriated, and the chairman of said committee shall have authority to draw orders for the incidental expenses arising out of the session of said committee, to be paid in like manner.

Adopted at Dover, April 20, 1883.



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EXCLUDED FROM PUBLICATION

BY ACT OF FEBRUARY 17, 1866.

CHAPTER 295.

An Act to incorporate the Springer, Morley and Gause Company.

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CHAPTER 296.

An Act to incorporate The Delaware Lumber Company.

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CHAPTER 297.

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CHAPTER 299.

An Act to incorporate The Rehoboth Hotel Company.

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CHAPTER 300.

An Act to incorporate the Robbins Hose Company, of Dover, Delaware.

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CHAPTER 301.

An Act to incorporate the Journeymen Bricklayers' Protective and Beneficial Association, of Wilmington, Delaware.

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CHAPTER 303.

An Act to incorporate The Madison Street Club Stables.

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CHAPTER 304.

An Act to incorporate The Delaware Baptist Union.

Passed at Dover, January 26, 1883.

CHAPTER 305.

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Passed at Dover, January 30, 1883.

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An Act to change the name of Harry C. Adams to the name of Harry A. Johnson, and to make him by adoption a son and heir-at-law of Philip G. Johnson.

Passed at Dover, April 2, 1883.

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An Act to change the name of Howard E. Montgomery to the name of Howard E. Cannon, and to make him by adoption the son and heir-at-law of George E. Cannon.

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CHAPTER 412.

An Act for the relief of Hannah Lizzie Danley.

Passed at Dover, April 16, 1883.

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CHAPTER 413.

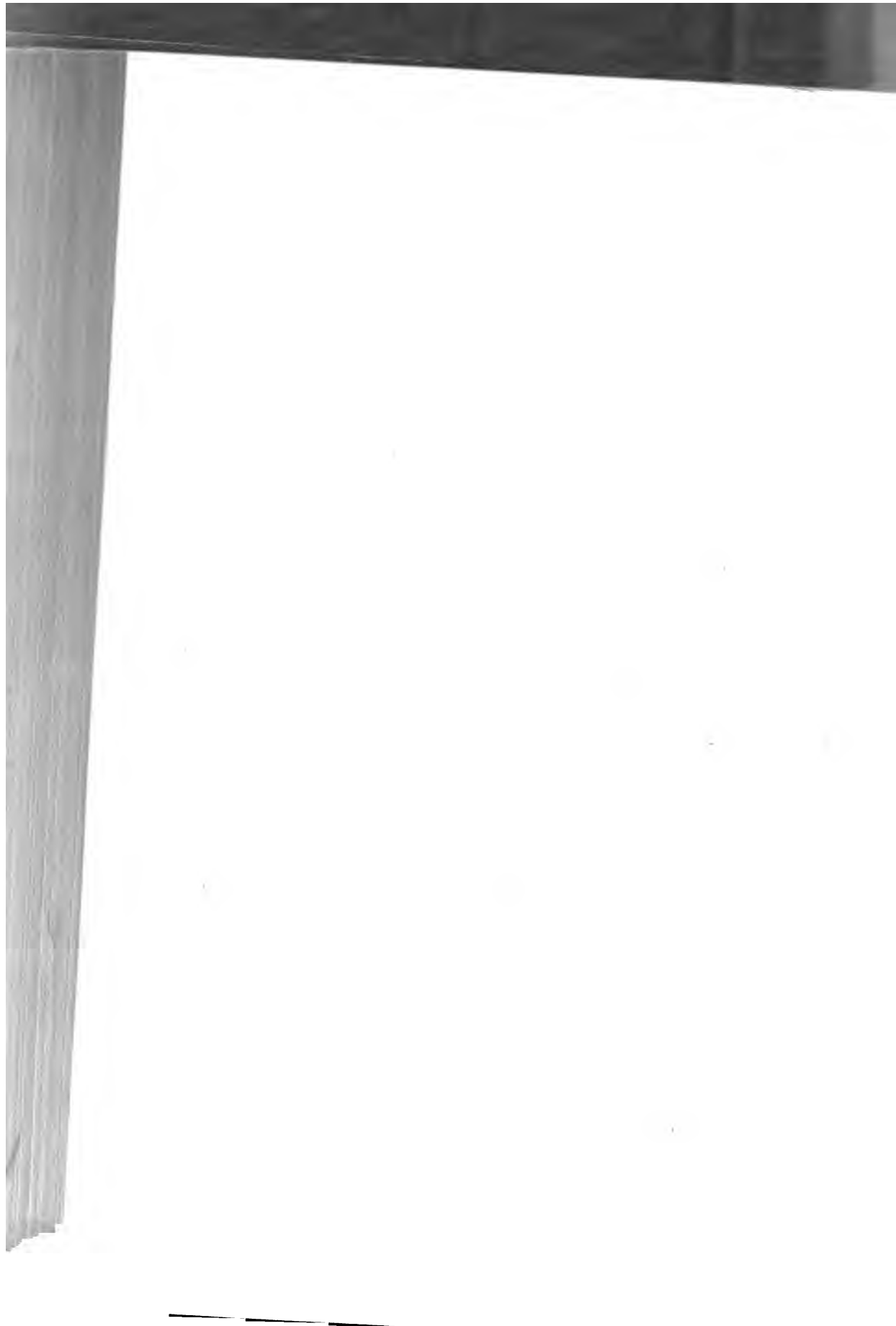
An Act to divorce Charlotte A. Burton from her husband John Lot Burton.

Passed at Dover, April 18, 1883.

CHAPTER 414.

An Act for the relief of Robert H. Jones.

Passed at Dover, April 19, 1883.



SECRETARY'S OFFICE,

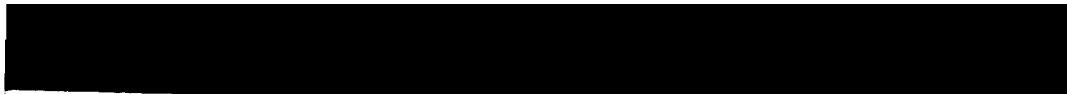
DOVER, July 26, 1883.

In obedience to directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and of Journals," I have collated with and corrected by the original rolls now in this office and caused to be published this edition of the Laws of Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday, the second day of January, A. D. 1883.

The words between brackets throughout the work are inserted to complete the sense or correct errors in the original rolls. Words and sentences noted with asterisks are printed as they appear on the rolls.

WILLIAM F. CAUSEY,

Secretary of State.



SECRETARY'S OFFICE,

DOVER, July 26, 1883.

ERRATA.

The word "election" in 25th line of Section 23, Chapter 147, page 225, so enrolled.

Chapter 236 omitted by mistake from proper title.

The word "Towns" in head lines on pages 136 and 137, should be "Taverns."

Date of passage of Chapter 209 should be 1883.

WILLIAM F. CAUSEY,

Secretary of State.



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